

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2015 Nr. 197

A. TITEL

*Verdrag van de Raad van Europa inzake het voorkomen en bestrijden van geweld tegen vrouwen en huiselijk geweld;
(met bijlage)
Istanboel, 11 mei 2011*

B. TEKST

De Engelse en Franse tekst van het Verdrag, met bijlage, zijn geplaatst in *Trb.* 2012, 233.

C. VERTALING

Zie *Trb.* 2012, 233.

Voor correcties in de vertaling, zie *Trb.* 2013, 238.

D. PARLEMENT

Artikel 1 van de Rijkswet van 24 juni 2015 (*Stb.* 2015, 409) luidt als volgt:

„Artikel 1

Het op 11 mei 2011 te Istanboel tot stand gekomen Verdrag van de Raad van Europa inzake het voorkomen en bestrijden van geweld tegen vrouwen en huiselijk geweld, waarvan de Engelse en de Franse tekst, en de vertaling in het Nederlands zijn geplaatst in *Tractatenblad* 2012, 233, met correcties in *Tractatenblad* 2013, 238, wordt goedgekeurd voor het gehele Koninkrijk.”

Deze Rijkswet is gecontrasigneerd door de Staatssecretaris van Volksgezondheid, Welzijn en Sport M.J. VAN RIJN, de Minister van Buitenlandse Zaken A.G. KOENDERS, de Minister van Veiligheid en Justitie G.A. VAN DER STEUR en de Minister van Onderwijs, Cultuur en Wetenschap M. BUSSEMAKER.

Voor de behandeling in de Staten-Generaal, zie Kamerstukken 34038 (R2039).

E. PARTIJGEGEVENS

Zie *Trb.* 2012, 233.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Albanië	19-12-2011		04-02-2013	R	01-08-2014		
Andorra	22-02-2013		22-04-2014	R	01-08-2014		
België	11-09-2012						
Bosnië en Herzegovina	08-03-2013		07-11-2013	R	01-08-2014		
Cyprus	16-06-2015						
Denemarken	11-10-2013		23-04-2014	R	01-08-2014		
Duitsland	11-05-2011						
Estland	02-12-2014						

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Finland	11-05-2011		17-04-2015	R	01-08-2015		
Frankrijk	11-05-2011		04-07-2014	R	01-11-2014		
Georgië	19-06-2014						
Griekenland	11-05-2011						
Hongarije	14-03-2014						
Ierland	05-11-2015						
IJsland	11-05-2011						
Italië	27-09-2012		10-09-2013	R	01-08-2014		
Kroatië	22-01-2013						
Litouwen	07-06-2013						
Luxemburg	11-05-2011						
Macedonië, de voormalige Joegoslavische Republiek	08-07-2011						
Malta	21-05-2012		29-07-2014	R	01-11-2014		
Monaco	20-09-2012		07-10-2014	R	01-02-2015		
Montenegro	11-05-2011		22-04-2013	R	01-08-2014		
Nederlanden, het Koninkrijk der	14-11-2012		18-11-2015	R	01-03-2016		
Noorwegen	07-07-2011						
Oekraïne	07-11-2011						
Oostenrijk	11-05-2011		14-11-2013	R	01-08-2014		
Polen	18-12-2012		27-04-2015	R	01-08-2015		
Portugal	11-05-2011		05-02-2013	R	01-08-2014		
Roemenië	27-06-2014						
San Marino	30-04-2014						
Servië	04-04-2012		21-11-2013	R	01-08-2014		
Slovenië	08-09-2011		05-02-2015	R	01-06-2015		
Slowakije	11-05-2011						
Spanje	11-05-2011		10-04-2014	R	01-08-2014		
Turkije	11-05-2011		14-03-2012	R	01-08-2014		
Verenigd Koninkrijk	08-06-2012						
Zweden	11-05-2011		01-07-2014	R	01-11-2014		
Zwitserland	11-09-2013						

* 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

Andorra, 22 april 2014

In accordance with Article 78, paragraph 2, of the Convention, Andorra reserves the right not to apply the provisions laid down in Article 30, paragraph 2, of the Convention.

Cyprus, 16 juni 2015

In accordance with Article 78, paragraph 2, of the Convention, the Republic of Cyprus reserves the right not to apply the provisions laid down in:

- a) Article 30, paragraph 2;
- b) Article 44, paragraphs 1.e, 3 and 4;
- c) Article 59.

Denemarken, 23 april 2014

In accordance with Article 78, paragraph 2, of the Convention, Denmark reserves the right not to apply the provisions laid down in Article 44, paragraph 3, in respect of Articles 36, 37 and 39 of the Convention.

In accordance with Article 78, paragraph 3, of the Convention, Denmark reserves the right to provide for non-criminal sanctions, instead of criminal sanctions, for the behaviours referred to in Article 34 of the Convention. In accordance with Article 77 of the Convention, Denmark declares that, until further notice, the Convention shall not apply to Greenland and the Faroe Islands.

Duitsland, 11 mei 2011

In accordance with Article 78, paragraph 2, of the Convention, the Federal Republic of Germany reserves the right not to apply the provisions laid down in Article 59, paragraphs 2 and 3, of the Convention.

Finland, 17 april 2015

Pursuant to Article 78, paragraph 2, of the Convention, the Government of the Republic of Finland declares that Finland reserves the right not to apply Article 55, paragraph 1, to petty assault when the offence is committed against a person other than the person referred to in Chapter 21, Section 16, subsection 1, of the Criminal Code of Finland.

Frankrijk, 4 juli 2014

In accordance with Article 78, paragraph 2, of the Convention, France declares that it will apply the provisions laid down in Article 44, paragraphs 1.e, 3 and 4, only in specific cases or conditions.

In accordance with Article 78, paragraph 2, of the Convention, France declares that it will apply the provisions laid down in Article 58 to the offences established in accordance with Articles 37, 38 and 39, in all cases where these offences are qualified as crimes by French Law and in specific cases or conditions where these offences are qualified as torts (délits) by French Law.

Frankrijk, 18 augustus 2015

Competent authority as regards to article 10 of the Convention:

Directorate General of Social Cohesion

Ministry of Health, Social Affairs and Women's Rights

Litouwen, 7 juni 2013

The Republic of Lithuania declares that it will apply the Convention in conformity with the principles and the provisions of the Constitution of the Republic of Lithuania.

Malta, 29 juli 2014

In accordance with Article 78, paragraph 2, subparagraphs 1 and 2, of the Council of Europe Convention on preventing and combating violence against women and domestic violence, Malta is making the following reservations:

At this stage, Malta reserves the right not to apply Article 30(2) of the Convention and to continue to apply its current legislation in so far as State compensation is concerned.

Malta reserves the right not to apply Article 44(1)(e) and to establish jurisdiction when the offense is committed by a person holding permanent residence in terms of Article 7 of the Immigration Act.

At this stage, Malta reserves the right not to apply Article 59 and to continue to apply its current legislation in so far as the residence status of victims of violence whose residence status depends on that of the spouse or partner are concerned.

Monaco, 7 oktober 2014

In accordance with Article 78, paragraph 2, of the Convention, the Principality of Monaco reserves the right not to apply, in whole or in part, the jurisdiction rules established in Article 44, paragraphs 1.e, 3 and 4, of the Convention.

In accordance with Article 78, paragraph 2, of the Convention, the Principality of Monaco reserves the right not to apply, in whole or in part, the provisions of Article 59 of the Convention.

In accordance with Article 78, paragraph 2, of the Convention, the Principality of Monaco reserves the right not to apply Article 30 paragraph 2, of the Convention and to continue to apply its current legislation in so far as State compensation is concerned.

Polen, 27 april 2015

The Republic of Poland declares that it will apply the Convention in accordance with the principles and the provisions of the Constitution of the Republic of Poland.

The Republic of Poland recognises the need to interpret Article 18, paragraph 5, of the Convention, in accordance with international agreements to which it is a Party and directly applicable normative acts of international organisations, to which the Republic of Poland submitted the competence of the state authority in some cases. Accordingly, the Republic of Poland shall provide consular protection only to Polish citizens and these national of the Member States of the European Union, which do not have access to diplomatic or consular post in the territory of a third country, on such terms as Polish citizens. Furthermore, in accordance with the universally accepted principles of international law, the Republic of Poland does not grant consular pro-

tection to nationals of the host state. The consul of the Republic of Poland can take actions of consular protection only by the measures provided for by international law on consular relations.

In accordance with Article 78, paragraph 2, the Republic of Poland reserves hereby that Article 30, paragraph 2, of the Convention shall be applied solely in regard of victims who are citizens of the Republic of Poland or the European Union and in accordance with a procedure provided for by national law.

In accordance with Article 78, paragraph 2, the Republic of Poland reserves the right not to apply the Convention when the offence is committed by a person whose habitual residence is the Republic of Poland.

In accordance with Article 78, paragraph 2, the Republic of Poland reserves hereby that Article 55, paragraph 1, of the Convention shall not be applied in respect of Article 35 regarding minor offences.

In accordance with Article 78, paragraph 2, the Republic of Poland reserves hereby that Article 58 of the Convention shall not be applied in respect of Articles 37, 38 and 39 of the Convention.

Servië, 21 november 2013

In accordance with Article 78, paragraph 2, subparagraphs 1 and 2, of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, the Republic of Serbia reserves the right not to apply the provisions under Article 30, paragraph 2, and Article 44, paragraphs 1.e, 3 and 4, of the Convention pending the alignment of its national criminal legislation with the said provisions of the Convention.

Slovenië, 5 februari 2015

In accordance with Article 78, paragraph 2, of the Convention, the Republic of Slovenia declares that it reserves the right not to apply the provisions laid down in

- Article 30, paragraph 2;
- Article 44, paragraphs 1.e, 3 and 4;
- Article 55, paragraph 1 in respect of Article 35 regarding minor offences;
- Article 58 in respect of Articles 37, 38 and 39, and
- Article 59.

Spanje, 10 april 2014

In the event that this Convention were to be ratified by the United Kingdom and extended 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 Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar and cannot be considered to modify in any way the provisions of the two previous paragraphs.
4. The process provided for by the Arrangements relating to Gibraltar authorities in the context of certain international treaties (2007) which have been adopted by Spain and the United Kingdom on 19 December 2007 (jointly with the "Agreed Arrangements relating to Gibraltar authorities in the context of EU and EC instruments and related treaties", dated 19 April 2000) apply to this Convention on preventing and combating violence against women and domestic violence, signed ad referendum by Spain on 11 May 2011.
5. The application of the Convention to Gibraltar should not be interpreted as an acknowledgment of any right or any situation regarding areas not covered by Article X of the Treaty of Utrecht of 13 July 1713, concluded between the Crowns of Spain and of the United Kingdom.

Spain will make the necessary changes to its domestic legislation in order for the Convention to be applied in its entirety.

Zweden, 1 juli 2014

In accordance with Article 78, paragraph 2, of the Convention, Sweden reserves the right not to apply the provisions laid down in Article 44, paragraph 3, and Article 58 of the Convention.

G. INWERKINGTREDING

De bepalingen van het Verdrag, met bijlage, zijn ingevolge artikel 75, derde lid, op 1 augustus 2014 in werking getreden.

Het Verdrag, met bijlage, zal ingevolge artikel 75, vierde lid, op 1 maart 2016 voor het Koninkrijk der Nederlanden in werking treden.

Wat betreft het Koninkrijk der Nederlanden, zal het Verdrag, met bijlage, alleen voor Nederland (het Europese deel) gelden.

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		01-03-2016		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba				
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Zie *Trb.* 2012, 233 en *Trb.* 2013, 238.

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

Tekst : *Stb.* 1949, 341 (Engels, Frans en vertaling)

Laatste *Trb.* : *Trb.* 2015, 102

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

Tekst : *Trb.* 1951, 154 (Engels en Frans)
Trb. 1990, 156 (vertaling, herzien)

Laatste *Trb.* : *Trb.* 2014, 2

Titel : Verdrag betreffende de status van vluchtelingen;
Genève, 28 juli 1951

Tekst : *Trb.* 1951, 131 (Engels en Frans)
Trb. 1954, 88 (vertaling)

Laatste *Trb.* : *Trb.* 2015, 14

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

Tekst : *Trb.* 1980, 146 (Engels en Frans)
Trb. 1981, 61 (vertaling)

Laatste *Trb.* : *Trb.* 2014, 118

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

Tekst : *Trb.* 1994, 141 (Engels en Frans)
Trb. 1994, 165 (vertaling)

Laatste *Trb.* : *Trb.* 2014, 3

Titel : Protocol nr. 14 bij het Verdrag tot bescherming van de rechten van de mens en de fundamentele vrijheden, betreffende wijziging van het controlesysteem bij het Verdrag;
Straatsburg, 13 mei 2004

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

Laatste *Trb.* : *Trb.* 2014, 29

Titel : Verdrag van de Raad van Europa inzake bestrijding van mensenhandel;
Warschau, 16 mei 2005

Tekst : *Trb.* 2006, 99 (Engels, Frans en vertaling)

Laatste *Trb.* : *Trb.* 2015, 42

Titel : Verdrag inzake de rechten van personen met een handicap;
New York, 13 december 2006

Tekst : *Trb.* 2007, 169 (Engels, Frans en vertaling)

Laatste *Trb.* : *Trb.* 2014, 113

Uitgegeven de *vijftiende* december 2015.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS