

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2015 Nr. 42**A. TITEL**

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

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 2006, 99.

In dat Tractatenblad dienen in de Engelse tekst de volgende correcties te worden aangebracht.

Op blz. 16, in artikel 12, vijfde lid, eerste regel, dient het woord „appropriate” te worden vervangen door „appropriate”.

Op blz. 30, in de titel van artikel 28, dient het woord „judical” te worden vervangen door „judicial”.

C. VERTALING

Zie *Trb.* 2006, 99.

In dat Tractatenblad dient in de vertaling de volgende correctie te worden aangebracht.

Op blz. 65, in artikel 23, vierde lid, laatste regel, dient het woord „waarvanj” te worden vervangen door „waarvan”.

D. PARLEMENT

Zie *Trb.* 2010, 160.

E. PARTIJGEGEVENS

Zie *Trb.* 2006, 99.

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Albanië	22-12-2005		06-02-2007	R	01-02-2008		
Andorra	17-11-2005		23-03-2011	R	01-07-2011		
Armenië	16-05-2005		14-04-2008	R	01-08-2008		
Azerbeidzjan	25-02-2010		23-06-2010	R	01-10-2010		
Belarus			26-11-2013	T	01-03-2014		
België	17-11-2005		27-04-2009	R	01-08-2009		
Bosnië en Herzegovina	19-01-2006		11-01-2008	R	01-05-2008		
Bulgarije	22-11-2006		17-04-2007	R	01-02-2008		
Cyprus	16-05-2005		24-10-2007	R	01-02-2008		
Denemarken	05-09-2006		19-09-2007	R	01-02-2008		
Duitsland	17-11-2005		19-12-2012	R	01-04-2013		
Estland	03-02-2010		05-02-2015	R	01-06-2015		
Finland	29-08-2006		30-05-2012	R	01-09-2012		
Frankrijk	22-05-2006		09-01-2008	R	01-05-2008		
Georgië	19-10-2005		14-03-2007	R	01-02-2008		

Partij	Ondertekening	Voorlopige toepassing	Ratificatie	Type*	In werking	Opzegging	Buiten werking
Griekenland	17-11-2005		11-04-2014	R	01-08-2014		
Hongarije	10-10-2007		04-04-2013	R	01-08-2013		
Ierland	13-04-2007		13-07-2010	R	01-11-2010		
IJsland	16-05-2005		23-02-2012	R	01-06-2012		
Italië	08-06-2005		29-11-2010	R	01-03-2011		
Kroatië	16-05-2005		05-09-2007	R	01-02-2008		
Letland	19-05-2006		06-03-2008	R	01-07-2008		
Litouwen	12-02-2008		26-07-2012	R	01-11-2012		
Luxemburg	16-05-2005		09-04-2009	R	01-08-2009		
Macedonië, de voormalige Joegoslavische Republiek	17-11-2005		27-05-2009	R	01-09-2009		
Malta	16-05-2005		30-01-2008	R	01-05-2008		
Moldavië	16-05-2005		19-05-2006	R	01-02-2008		
Montenegro	16-05-2005		30-07-2008	R	01-11-2008		
Nederlanden, het Koninkrijk der	17-11-2005		22-04-2010	R	01-08-2010		
Noorwegen	16-05-2005		17-01-2008	R	01-05-2008		
Oekraïne	17-11-2005		29-11-2010	R	01-03-2011		
Oostenrijk	16-05-2005		12-10-2006	R	01-02-2008		
Polen	16-05-2005		17-11-2008	R	01-03-2009		
Portugal	16-05-2005		27-02-2008	R	01-06-2008		
Roemenië	16-05-2005		21-08-2006	R	01-02-2008		
San Marino	19-05-2006		29-11-2010	R	01-03-2011		
Servië	16-05-2005		14-04-2009	R	01-08-2009		
Slovenië	03-04-2006		03-09-2009	R	01-01-2010		
Slowakije	19-05-2006		27-03-2007	R	01-02-2008		
Spanje	09-07-2008		02-04-2009	R	01-08-2009		
Turkije	19-03-2009						
Verenigd Koninkrijk	23-03-2007		17-12-2008	R	01-04-2009		
Zweden	16-05-2005		31-05-2010	R	01-09-2010		
Zwitserland	08-09-2008		17-12-2012	R	01-04-2013		

* 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

Azerbeidzjan, 23 juni 2010

The Republic of Azerbaijan declares that the rights and obligations set out in the provisions of the Convention shall not be applied by the Republic of Azerbaijan in respect of Armenia. The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia (the Nagorno-Karabakh region of the Republic of Azerbaijan and its seven districts surrounding that region), until the liberation of these territories from the occupation and complete elimination of the consequences of that occupation [...].

Denemarken, 19 september 2007

In accordance with Article 31, paragraph 2, of the Convention, Denmark reserves the right not to apply Article 31, paragraph 1.e, of the Convention. Denmark declares that the Convention shall not apply to the Faroe Islands and Greenland until further decision.

Duitsland, 19 december 2012

The Federal Republic of Germany reserves the right to apply the jurisdiction rules laid down in Article 31, paragraph 1(d), to offences under Article 20 of the Convention only in such cases in which the offender is found on the territory of the Federal Republic of Germany and is not extradited - provided those offences do not also, under German criminal law, constitute participation in an offence defined in Article 4 in conjunction with Article 18 of the Convention.

Estland, 5 februari 2015

According to Article 31, paragraph 2, of the Convention, the Republic of Estonia reserves the right not to apply Article 31, paragraphs 1.d and e, of the Convention.

Finland, 30 mei 2012

Pursuant to Article 31, paragraph 2 of the Convention, the Republic of Finland declares that Finland will apply Article 31, paragraph 1 (d) when the offence is committed outside of the territorial jurisdiction of any State only if the offence is punishable under Finnish criminal law by imprisonment for more than six months; and Article 31, paragraph 1(e) only if the offence is punishable under Finnish criminal law by imprisonment for more than six months and if the offence is also punishable under criminal law where it was committed and it could have been punished also by a court of law in the foreign State.

Frankrijk, 9 januari 2008

In accordance with Article 31, paragraph 2, of the Convention, the French Government declares that it will establish its jurisdiction on offences established in accordance with Article 20 of this Convention and committed by its nationals outside the territory of the French Republic, only if the offences are also punishable under the legislation of the State where they have been committed, and if these offences are also the subject either of a complaint from the victim or his/her beneficiaries, or of an official denunciation from the authorities of the country where they have been committed. In accordance with Article 31, paragraph 2, of the Convention, the French Government declares that it will establish its jurisdiction on offences established by this Convention and committed against one of its nationals outside the territory of the French Republic, only if the offences are the subject either of a complaint from the victim or of an official denunciation by the authorities of the country where they have been committed.

Georgië, 14 maart 2007

Georgia declares that, until the restoration of the territorial integrity of Georgia, the Convention shall apply on the part of the territory of Georgia where Georgia exercises its full jurisdiction.

Letland, 6 maart 2008

In accordance with Article 31, paragraph 2, of the Convention, the Republic of Latvia declares that it reserves the right not to apply the jurisdiction rules laid down in paragraphs 1 (d) and (e).

Macedonië, de voormalige Joegoslavische Republiek, 27 mei 2009

In accordance with Article 31, paragraph 2, of the Convention, the Republic of Macedonia declares that it reserves the right to apply Article 31, paragraphs 1.d and 1.e, of the Convention in compliance with the conditions set forth in the Criminal Code of the Republic of Macedonia.

Malta, 30 januari 2008

Regarding Article 31, paragraph 1, of the Convention, Malta declares that it will apply the jurisdiction rules set out in sub-paragraph (d) only when the offence is committed by one of its nationals. Malta declares that it will not apply the jurisdiction rules set out in sub-paragraph (e) of this article.

Moldavië, 19 mei 2006

Moldova declares that, until the full re-establishment of the territorial integrity of the Republic of Moldova, the provisions of the Convention shall be applied only on the territory controlled effectively by the authorities of the Republic of Moldova.

Polen, 17 november 2008

The Government of the Republic of Poland notes hereby that the effective realisation of the Parties' obligations resulting from Article 25 of the Convention requires establishing effective international legal and technical mechanisms concerning the exchange of information on sentences passed by another Party, in relation to offences established in accordance with the Convention.

Pursuant to Article 31, paragraph 2, of the Council of Europe Convention on Action Against Trafficking in Human Beings, the Government of the Republic of Poland reserves hereby that, in reference to Article 31, paragraph 1, letter d, of the Convention, jurisdiction over any offence established in accordance with the Convention, when the offence is committed by a stateless person who has his or her habitual residence on the territory of the Republic of Poland shall be established in respect to any offence punishable by penalty exceeding two years of deprivation of liberty in accordance with the Polish penal law, when the offender is present on the territory of the Republic of Poland and when no decision on his or her extradition has been taken.

Portugal, 27 februari 2008

The Portuguese Republic declares that, with regard to the provisions contained in Article 31, paragraph 1, sub-paragraphs d) and e), of the Convention, it reserves the right not to apply the provisions thereof established, considering that the Portuguese criminal law establishes more rigorous and encompassing jurisdiction rules than the ones established in the said provisions of Article 31.

Slovenië, 3 september 2009

Pursuant to Article 31, paragraph 2, of the Convention, the Republic of Slovenia declares that it reserves the right not to apply the jurisdiction rule laid down in Article 31, paragraph 1 (d), given that it cannot ensure the criminal prosecution of a stateless person who has his or her habitual residence in its territory, if the offence is committed outside the territorial jurisdiction of any State.

Spanje, 2 april 2009

If the Council of Europe Convention on action against trafficking in human beings were to be applied 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 what was established in the two previous paragraphs.

Verenigd Koninkrijk, 17 december 2008

In accordance with Article 31, paragraph 2, of the Convention, the United Kingdom reserves the right not to apply Article 31, paragraph 1.d or 1.e, of the Convention.

Zweden, 31 mei 2010

In accordance with Article 31, paragraphs 1.e and 2, of the Convention, Sweden declares that it reserves the right not to apply or to apply only in specific cases or conditions the jurisdiction rules solely on the basis that an offence established in accordance with this Convention is committed against a Swedish national.

Zwitserland, 17 december 2012

Pursuant to Article 45 of the Convention, Switzerland reserves the right not to apply Article 31, paragraph 1.d, to stateless persons.

G. INWERKINGTREDING

Zie *Trb.* 2010, 160.

Wat betreft het Koninkrijk de Nederlanden, zal het Verdrag op 1 mei 2015 voor Aruba in werking treden.

Koninkrijk der Nederlanden

Land	Voorlopige toepassing	In werking	Terugwerkende kracht	Buiten werking
Nederland (in Europa)		01-08-2010		
Nederland (Bonaire)				
Nederland (Sint Eustatius)				
Nederland (Saba)				
Aruba		01-05-2015		
Curaçao				
Sint Maarten				

J. VERWIJZINGEN

Voor verwijzingen en overige verdragsgegevens, zie *Trb.* 2006, 99 en *Trb.* 2010, 160.

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

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

- Titel : Verdrag betreffende de status van vluchtelingen;
Genève, 28 juli 1951
Laatste *Trb.* : *Trb.* 2015, 14
- Titel : Verdrag betreffende de werking van de Europese Unie;
Rome, 25 maart 1957
Laatste *Trb.* : *Trb.* 2013, 83
- 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
Laatste *Trb.* : *Trb.* 2010, 288
- Titel : Protocol betreffende de status van vluchtelingen;
New York, 31 januari 1967
Laatste *Trb.* : *Trb.* 2011, 203
- Titel : Verdrag tot bescherming van personen met betrekking tot de geautomatiseerde verwerking van persoonsgegevens;
Straatsburg, 28 januari 1981
Laatste *Trb.* : *Trb.* 2011, 22
- Titel : Verdrag betreffende de Europese Unie;
Maastricht, 7 februari 1992
Laatste *Trb.* : *Trb.* 2012, 182
- 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 *Trb.* : *Trb.* 2014, 3
- Titel : Verdrag van de Verenigde Naties tegen grensoverschrijdende georganiseerde misdaad;
New York, 15 november 2000
Laatste *Trb.* : *Trb.* 2010, 286
- 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
Laatste *Trb.* : *Trb.* 2010, 317
- 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
Laatste *Trb.* : *Trb.* 2014, 29

Uitgegeven de zestiende maart 2015.

De Minister van Buitenlandse Zaken,

A.G. KOENDERS