

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 1996 Nr. 97

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 zie *Trb.* 1980, 146, *Trb.* 1981, 61, *Trb.* 1991, 134 en *Trb.* 1995, 90.

Het Verdrag is voorts ondertekend voor de volgende Staat:

Sao Tomé en Príncipe 31 oktober 1995

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, *Trb.* 1991, 134¹⁾ en *Trb.* 1995, 90.

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:

Lesotho²⁾ 22 augustus 1995
Zuid-Afrika 15 december 1995
Ivoorkust 18 december 1995

¹⁾ De Regering van *Brazilië* heeft op 20 december 1994 de voorbehouden met

betrekking tot artikel 15, vierde lid, en artikel 16, eerste lid, letters a, c, g en h gemaakt bij de bekrachtiging van het Verdrag op 31 maart 1981 (zie *Trb.* 1991, 134, blz. 2) ingetrokken. Het voorbehoud met betrekking tot artikel 29, eerste lid, wordt gehandhaafd.

Voorts heeft Brazilië de verklaring afgelegd op het tijdstip van de bekrachtiging van het Verdrag (zie *Trb.* 1991, 134, blz. 2) bevestigd.

De Regering van *het Verenigd Koninkrijk van Groot-Brittannië en Noord-Ierland* heeft op 4 januari 1995 het bij de bekrachtiging van het Verdrag op 7 april 1986 gemaakte voorbehoud ten aanzien van artikel 13 (zie *Trb.* 1991, 134, blz. 13) en de volgende bij de bekrachtiging afgelegde verklaring ten aanzien van artikel 11 (zie *Trb.* 1991, 134, blz. 12) ingetrokken:

“... the United Kingdom declares that, in the event of a conflict between obligations under the present Convention and its obligations under the Convention concerning the Employment of Women on Underground work in Mines of all kinds (ILO Convention No. 45), the provisions of the last mentioned Convention shall prevail.”

De Regering van *Jamaica* heeft op 8 september 1995 het bij de bekrachtiging op 19 oktober 1984 van het Verdrag gemaakte voorbehoud inzake artikel 9, tweede lid (zie *Trb.* 1991, 134, blz. 8) ingetrokken:

²⁾ Onder de volgende voorbehouden en de volgende verklaring:

“The Government of the Kingdom of Lesotho declares that it does not consider itself bound by Article 2 to the extent that it conflicts with Lesotho’s constitutional stipulations relative to succession to the throne of the Kingdom of Lesotho and law relating to succession to chieftainship. The Lesotho Government’s ratification is subject to the understanding that none of its obligations under the Convention especially in Article 2 (e), shall be treated as extending to the affairs of religious denominations.

Furthermore, the Lesotho Government declares it shall not take any legislative measures under the Convention where those measures would be incompatible with the Constitution of Lesotho.”

F. TOETREDING

Zie *Trb.* 1991, 134¹⁾ en *Trb.* 1995, 90.

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:

| | |
|---------------------------------------|------------------|
| Georgië | 26 oktober 1994 |
| de Comoren | 31 oktober 1994 |
| Papua Nieuw-Guinea | 12 januari 1995 |
| Tsjaad | 9 juni 1995 |
| Maleisië ²⁾ | 5 juli 1995 |
| Azerbeidzjan | 10 juli 1995 |
| Oezbekistan | 19 juli 1995 |
| Fiji ³⁾ | 28 augustus 1995 |
| Eritrea | 5 september 1995 |
| Vanuatu | 8 september 1995 |
| Singapore ⁴⁾ | 5 oktober 1996 |
| Liechtenstein ⁵⁾ | 22 december 1995 |

¹⁾ De Regering van Libië heeft op 5 juli 1995 het voorbehoud gemaakt bij de toetreding op 16 mei 1989 tot het Verdrag (zie *Trb.* 1991, 134, blz. 18) als volgt aangepast:

The Socialist People's Libyan Arab Jamahiriya has declared its accession to the Convention on the Elimination of All Forms of Discrimination against Women, adopted by the General Assembly of the United Nations on 18 December 1979, with the following reservation:

1. Article 2 of the Convention shall be implemented with due regard for the peremptory norms of the Islamic Shariah relating to determination of the inheritance portions of the estate of a deceased person, whether female or male.

2. The implementation of paragraph 16 c) and d) of the Convention shall be without prejudice to any of the rights guaranteed to women by the Islamic Shariah (*vertaling*).

²⁾ Onder de volgende voorbehouden en verklaring:

"The Government of Malaysia declares that Malaysia's accession is subject to the understanding that the provisions of the Convention do not conflict with the provisions of the Islamic Sharia' law and the Federal Constitution of Malaysia. With regards thereto, further, the Government of Malaysia does not consider itself bound by the provisions of Articles 2 f), 5 a), 7 b), 9 and 16 of the aforesaid Convention.

In relation to Article 11, Malaysia interprets the provisions of this Article as a reference to the prohibition of discrimination on the basis of equality between men and women only."

³⁾ Onder een voorbehoud met betrekking tot de artikelen 5, letter a, en 9 van het Verdrag.

⁴⁾ Onder de volgende voorbehouden:

"1. In the context of Singapore's multi-racial and multi-religious society and the need to respect the freedom of minorities to practise their religious and personal laws, the Republic of Singapore reserves the right not to apply the provisions of Articles 2 and 16 where compliance with these provisions would be contrary to their religious or personal laws.

2. Singapore is geographically one of the smallest independent countries in the world and one of the most densely populated. The Republic of Singapore accordingly reserves the right to apply such laws and conditions governing the entry into, stay in, employment of and departure from its territory of those who do not have the right under the laws of Singapore to enter and remain indefinitely in Singapore and to the conferment, acquisitions and loss of citizenship of women who have acquired such citizenship by marriage and of children born outside Singapore.

3. Singapore interprets Article II, paragraph 1 in the light of the provisions of Article 4, paragraph 2 as not precluding prohibitions, restrictions or conditions on the employment of women in certain areas, or on work done by them where this is considered necessary or desirable to protect the health and safety of women or the human foetus, including such prohibitions, restrictions or conditions imposed in consequence of other international obligations of Singapore and considers that legislation in respect of Article 11 is unnecessary for the minority of women who do not fall within the ambit of Singapore's employment legislation.

4. The Republic of Singapore declares, in pursuance of Article 29, paragraph 2 of the Convention that it will not be bound by the provisions of Article 29, paragraph 1."

⁵⁾ Onder de volgende voorbehouden:

“Reservation concerning Article 1:

In the light of the definition given in Article 1 of the Convention, the Principality of Liechtenstein reserves the right to apply, with respect to all the obligations of the Convention, Article 3 of the Liechtenstein Constitution.

Reservation concerning Article 9 (2):

The Principality of Liechtenstein reserves the right to apply the Liechtenstein legislation according to which Liechtenstein nationality is granted under certain conditions.”

G. INWERKINGTREDING

Zie *Trb.* 1991, 134.

J. GEDEVENS

Zie *Trb.* 1980, 146, *Trb.* 1991, 134 en *Trb.* 1995, 90.

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

Canada

25 oktober 1994

“The Government of Canada has taken note of the reservation made by the Republic of Maldives. In the view of the Government of Canada, this reservation is incompatible with the object and purpose of the Convention (article 28, paragraph 2). The Government of Canada therefore enters its formal objection to this reservation. This objection shall not preclude the entry into force of the Convention as between Canada and the Republic of Maldives.”

Duitsland

24 oktober 1994

“The Federal Government of Germany has examined the contents of the reservations made by the Government of Maldives upon accession to the said Convention, by which Maldives expresses that ‘the Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory 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.’

In the view of the Federal Government of Germany, 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 Federal Government of Germany objects to such reservations.

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

het Koninkrijk der Nederlanden 16 januari 1996

The Government of the Kingdom of the Netherlands considers that the reservations made by Kuwait regarding Article 7 (a), Article 9, paragraph 2 and Article 16 (f) are incompatible with the object and purpose of the Convention (Article 28, paragraph 2).

The Government of the Kingdom of the Netherlands therefore objects to the abovementioned reservations. These objections shall not preclude the entry into force of the Convention between Kuwait and the Kingdom of the Netherlands.”

Noorwegen 25 oktober 1994

“The Government of Norway has examined the content of the reservation made by Maldives upon ratification, which reads as follows: ‘The Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory 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.’

In the view of the Government of Norway, a reservation by which a State party limits its responsibilities under the Convention by invoking general principles of internal law may create doubts about the commitments of the reserving State to the object and purpose of the Convention and, moreover, contribute to undermine the basis of international treaty law. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to their object and purpose, by all parties. Furthermore, under well established international treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. For these reasons, the Government of Norway objects to Maldives reservations.

The Government of Norway does not consider this objection to constitute an obstacle to the entry into force of the above-stated Convention between the Kingdom of Norway and the Republic of Maldives.”

2 mei 1995

“The Government of Norway has examined the content of the reservations made by Kuwait upon accession which reads as follows: 1. *Article 7a*) – The Government of Kuwait enters a reservation regarding article 7a), inasmuch as the provision contained in that paragraph conflicts with the Kuwaitian 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 Kuwait Nationality Act, which stipulates that a child's nationality shall be determined by that of his father. 3. *Article 16f*) – The Government of the State of Kuwait declared that it does not consider itself bound by the provision contained in article 16f) 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 28, paragraph 1.

The Norwegian Government will stress that by acceding to the Convention, a State commits itself to adopt the measures required for the elimination of discrimination, in all its forms and manifestations, against women. A reservation by which a State party limits its responsibilities under the Convention by invoking internal or religious law may create doubts about the commitments of the reserving State to the object and purpose of the Convention. Furthermore, under well established international treaty law, a State may not invoke the provisions of its internal law as justification for its failure to perform a treaty. It is in the common interest of States that treaties to which they have chosen to become parties also are respected, as to their object and purpose, by all parties. For these reasons, the Government of Norway objects to the Kuwaiti reservation.

The Government of Norway does not consider this objection to preclude the entry into force of the above-stated Convention between the Kingdom of Norway and the State of Kuwait.”

Oostenrijk

26 oktober 1994

“The Government of Austria has examined the contents of the reservation made by the Government of Maldives upon accession to the Convention on the Elimination of All Forms of Discrimination Against Women, by which the Maldives express that ‘The Government of the Republic of Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory 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.’

The reservation made by the Maldives is incompatible with the object and purpose of the Convention and is therefore inadmissible under Article 19 (c) of the Vienna Convention on the Law of Treaties and shall not be permitted, in accordance with Article 28 (2) of the Convention on the Elimination of All Forms of Discrimination Against Women. Austria therefore states that this reservation cannot alter or modify in any respect the obligations arising from the Convention for any State Party thereto.”

Portugal

26 oktober 1994

“... The Government of Portugal considers that the reservations formulated by the Maldives are incompatible with the object and purpose of the Convention and that they are inadmissible under Article 19 (C) of the Vienna Convention on the Law of Treaties.

Furthermore, the Government of Portugal considers that these reservations cannot alter or modify in any respect the obligations arising from the Convention for any State party thereto.”

Zweden

26 oktober 1994

“The Government of Sweden has examined the contents of the reservations made by the Government of the Republic of the Maldives upon accession to the said Convention by which it declares:

‘The Government of the Republic of the Maldives will comply with the provisions of the Convention, except those which the Government may consider contradictory to the principles of the Islamic Sharia upon which the laws and traditions of the Maldives is founded.

Furthermore, the Republic of the Maldives does not see itself bound by any provisions of the Convention which obliges it to change its constitution and laws in any manner.’

In order to be compatible with the object and purpose of a treaty, a reservation is expected to satisfy some implied criteria of specificity. In the view of the Government of Sweden the reservations, made by the Republic of the Maldives, are of an unlimited and undefined character. Their sweeping and general formulation, which applies to all articles of the Convention including the general obligations of States parties set forth in Articles 2, 3 and 24, casts serious doubts about the commitment of the reserving State to fulfil its obligations under the Convention.

Said reservations are subject to the general principles of treaty law, which entail that a party may not invoke its internal law as a justification for not performing its treaty obligations.

In this context the Government of Sweden wishes to make the observation that incompatible reservations do not only cast doubts on the commitments of the reserving States to the object and purpose of this Convention but, moreover, contributes to undermine the basis of international law. It is the common interest of States that treaties to which they have chosen to become parties also are respected, as to object and purpose, by other parties and that states are prepared to undertake the legislative changes necessary to comply with such treaties.

The Government of Sweden therefore considers the reservations made by the Republic of the Maldives, as at present formulated, and where it is stated that the Maldives does not ‘see itself bound by any provisions of the Convention which obliged to change its Constitution and laws in any manner’, a provision aimed at exempting the Republic of the Maldives from the responsibility to undertake legislative measures in order to comply with obligations under the Convention if so required, to be incompatible with and contrary to the object and purpose of the Convention.

The Government of Sweden therefore objects to these reservations and considers that they constitute an obstacle to the entry into force of the Convention between Sweden and the Republic of the Maldives.”

Wijziging van het Verdrag

In overeenstemming met artikel 26, eerste lid, van het Verdrag heeft de Secretaris-Generaal van de Verenigde Naties op 23 januari 1995 de tekst van de door de Regeringen van Denemarken, Finland, Noorwegen, IJsland en Zweden voorgestelde wijziging van artikel 20, eerste lid, van het Verdrag ter kennis gebracht van de Verdragsluitende Partijen.

De Staten die Partij zijn bij het Verdrag hebben op hun achtste vergadering, welke op 22 mei 1995 werd gehouden, besloten artikel 20, eerste lid, van het Verdrag te wijzigen.

De Engelse en de Franse tekst¹⁾ van de voorgestelde wijziging luiden als volgt:

**Amendment to article 20, paragraph (1) of the Convention on the
Elimination of All Forms of Discrimination Against Women
Adopted at the eighth meeting of the States parties on 22 May
1995**

1. Decide to replace article 20, paragraph 1, of the Convention on the Elimination of Discrimination against Women with the following text:

“The Committee shall normally meet annually in order to consider the reports submitted in accordance with article 18 of the present Convention.

The duration of the meetings of the Committee shall be determined by a meeting of the States parties to the present Convention, subject to the approval of the General Assembly.”;

2. Recommend that the General Assembly, at its fiftieth session, take note with approval of the amendment;

3. Decide that the amendment shall enter into force following consideration by the General Assembly and when it has been accepted by a two-thirds majority of States parties which shall have so notified the Secretary-General as depositary of the Convention.

**Amendement au paragraphe 1 de l'article 20 de la Convention sur
l'élimination de toutes les formes de discrimination à l'égard des
femmes adopté à la huitième réunion des Etats parties le 22 mai
1995**

1. Décident de remplacer le paragraphe 1 de l'article 20 de la Convention sur l'élimination de toutes les formes de discrimination à l'égard des femmes par le texte suivant:

¹⁾ De Arabische, de Chinese, de Russische en de Spaanse tekst zijn niet afgedrukt.

«Le Comité se réunit normalement chaque année pour examiner les rapports présentés en application de l'article 18 de la présente Convention. La durée des réunions du Comité est fixée par une réunion des Etats parties à la présente Convention, sous réserve de l'approbation de l'Assemblée générale.»;

2. Recommandent à l'Assemblée générale de prendre note en l'approuvant de l'amendement à sa cinquantième session;

3. Décident que l'amendement entrera en vigueur lorsqu'il aura été examiné par l'Assemblée générale et que la majorité des deux tiers des Etats parties aura notifié au Secrétaire général, en sa qualité de dépositaire de la Convention, qu'elle l'accepte.»

De vertaling in het Nederlands luidt:

**Wijziging van artikel 20, eerste lid, van het Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen.
Aangenomen op de achtste vergadering van de Staten die Partij zijn op 22 mei 1995**

1. Besluiten artikel 20, eerste lid, van het Verdrag inzake de uitbanning van alle vormen van discriminatie van vrouwen te vervangen door de volgende tekst:

„De Commissie komt in de regel jaarlijks bijeen teneinde de overeenkomstig artikel 18 van dit Verdrag overgelegde verslagen te bestuderen.

De duur van de vergaderingen van de Commissie wordt, onder voorbehoud van goedkeuring door de Algemene Vergadering, bepaald door een vergadering van de Staten die Partij zijn bij dit Verdrag.”;

2. Bevelen aan dat de Algemene Vergadering, op haar vijftiende zitting, met instemming kennis zal nemen van de wijziging;

3. Besluiten dat de wijziging van kracht wordt na bestudering ervan door de Algemene Vergadering en wanneer deze is aanvaard door een tweederde meerderheid van Staten die Partij zijn bij het Verdrag en de Secretaris-Generaal van de Verenigde Naties, depositaris van het Verdrag, daarvan in kennis hebben gesteld.

De Algemene Vergadering van de Verenigde Naties heeft met instemming kennis genomen van de voorgestelde wijziging op haar vijftiende zitting, bij resolutie 50/202 van 22 december 1995.

De wijziging behoeft ingevolge artikel 91 van de Grondwet de goedkeuring van de Staten-Generaal, alvorens het Koninkrijk de wijziging kan aanvaarden.

De wijziging zal ingevolge haar paragraaf 3 in werking treden wanneer deze is aanvaard door een tweederde meerderheid van Staten die Partij zijn bij het Verdrag en de Secretaris-Generaal van de Verenigde Naties daarvan in kennis hebben gesteld.

Uitgegeven de *vijftiende* april 1996.

De Minister van Buitenlandse Zaken,

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