



Fact sheet Legal status of the Women's Convention¹

Another court-case about the direct applicability of the Convention's provisions

On 22 December 2025 the District Court in the Hague ruled in a case about nationality that CEDAW Artikel 9 paragraph 2 of the Women's Convention is directly applicable ([ECLI:NL:RBDHA:2025:25577](#) – in Dutch).

The District Court referred to the interlocutory judgement of the Central Court of Appeal (2017) on the De Blok case² in its summary of established case law about the direct applicability a of provision of an international treaty such as CEDAW.

The Court concluded *"that the result to be achieved, namely equal rights for women and men with regard to transmission of their nationality, is described unconditionally and with sufficient precision. This provision also leaves no room for discretion or policy freedom. The provision can therefore be applied by the courts as objective law in the national legal order without further ado."*

The claimant is discriminated because his mother had automatically lost her Dutch nationality through marriage with a foreign husband and therefore could not pass this nationality to her son at the time of his birth.

The Dutch Minister of Foreign Affairs (MFA) has to take another decision about the claimants request to obtain Dutch nationality taking into account the District Courts view or lodge an appeal at the Council of State. Deadline for both is February 5. The claimants solicitor is expecting the latter: an appeal.³

The Committee is invited to ask the Dutch delegation whether the MFA has lodged an appeal and if so the Committee could recommend withdrawal.

VERENIGING VOOR VROUW EN RECHT

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¹ Submitted by Leontine Bijleveld on behalf of the Dutch Association for Women and Law in collaboration with the Dutch CEDAW Network

² Communication No. 36/2012 De Blok et al., see also *Mind the Gap: Addressing Policy Gaps in Women's Rights. Dutch NGOs Shadow report for CEDAW 4 July 2024* para 3.

³ The solicitor will inform the Dutch Association for Women and Law (VVR) immediately if appeal is launched. The VVR will transmit this information straightaway to the Dutch NGO delegation at GECAW session 92.