



Convention on the Rights of Persons with Disabilities

Distr.: General
25 April 2022

Original: English
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of the Netherlands*

A. Purpose and general obligations (arts. 1–4)

1. Please inform the Committee on measures taken by the State party to:

(a) Fully harmonize terminology and concepts of disability in national legislation, public policies and municipal regulation, including in the Act on Equal Treatment on the Grounds of Disability or Chronic Illness, with the Convention, in particular by replacing the medical model of disability and incapacity approach with the human rights model of disability;

(b) Harmonize national and municipal regulations, including the Caribbean territory of the Netherlands, with the aim of redressing inequalities between municipalities and creating common standards for the implementation of the rights of persons with disabilities, as provided in the Convention;

(c) Assess the effectiveness of the “unlimited participation” mechanism and develop a follow-up plan;

(d) Monitor and enforce the legal requirement for all municipalities to develop an inclusion agenda for guaranteeing the participation of organizations of persons with disabilities in local policy;

(e) Guarantee a more structured and diversified involvement of persons with disabilities and their representative organizations in the formulation, implementation and monitoring of legislation, policies and other measures relevant to the Convention, and in the consultations and decision-making processes regarding the matters that concern persons with disabilities;

(f) Ratify the Optional Protocol to the Convention on the Rights of Persons with Disabilities, and include information on when it will be ratified;

(g) Review and withdraw the interpretative declarations made upon ratification of the Convention, in particular regarding articles 12 and 14, in order to give full effect to the Convention, its principles and the human rights model of disability as outlined by the Committee in its general comment No. 6 (2018);

(h) Ensure the implementation of the Convention and the anti-discrimination legislation in the Caribbean territory of the Netherlands.

* Adopted by the pre-sessional working group at its fifteenth session (28 March–1 April 2022).



2. Please inform the Committee about:

(a) Which provisions of the Convention appear “insufficiently accurate or concrete to prescribe a solution in an individual case” and do “not have a direct effect in the Netherlands” as stated in paragraph 26 of the State party report;¹

(b) The disability-assessment system, the disability certification and support entitlement mechanism, the legal frameworks that regulate the disability-assessment system and the rationale of the support schemes for persons with disabilities;

(c) Whether the personal health-care budgets referred to in paragraph 48 of the State party report are controlled by health-care providers and are only for health-care matters;

(d) Efforts taken to incorporate systematic training on the obligations of the State party under the Convention into the mandatory training programmes provided for all professionals working with persons with disabilities, including members of the judiciary, policymakers, public officials, health-care professionals and educators on all administrative levels, and about the extent of involvement of organizations of persons with disabilities in the training programmes.

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please inform the Committee about:

(a) Whether the denial of reasonable accommodation is recognized as a form of discrimination on the grounds of disability and whether reasonable accommodation is legally defined and provided in all areas of life in the State party;

(b) The time frame for the adoption of the anti-discrimination legislation in the Caribbean territory of the Netherlands;

(c) Whether the State party’s anti-discrimination law explicitly prohibits multiple and intersectional discrimination, discrimination by association and harassment of persons with disability;

(d) Measures taken to ensure accessibility and effectiveness of the legal redress and reparation mechanisms for victims of discrimination on the basis of disability, and penalties for offenders.

Women with disabilities (art. 6)

4. Please inform the Committee about:

(a) Measures taken to ensure that all policies, programmes and measures to protect the rights of women with disabilities, including those pertaining to gender equality, domestic and sexual violence, and disability, as well as those aimed at the advancement and empowerment of women with disabilities, guarantee the rights of women and girls with disabilities;

(b) The availability and accessibility of support centres and shelters for girls and women with disabilities and victims of domestic and sexual violence;

(c) Cases reported of sexual violence against women with disabilities, disaggregated by age and type of impairment, and the number of prosecutions and convictions, as well as about offences and sanctions.

¹ CRPD/C/NLD/1.

Children with disabilities (art. 7)

5. Please inform the Committee about:

(a) The extent to which the human rights model of disability is taken into consideration when applying the concept of the best interests of a child with disabilities;

(b) Measures taken to prevent the placement of children with disabilities in institutional settings;

(c) The monitoring of children with disabilities who are receiving specialized services in detention or refugee centres, and those who are victims of trafficking, and about the accommodations provided for them.

Awareness-raising (art. 8)

6. Please inform the Committee about public awareness-raising campaigns, including those undertaken through the media, that are aimed at combating stigmatization, stereotypes, prejudice, harmful practices, negative attitudes, bullying and hate crimes, in particular in relation to the various types of impairment in the society, as well as on the involvement of organizations of persons with disabilities in this undertaking.

Accessibility (art. 9)

7. Please provide information on:

(a) Whether the Environment and Planning Act entered into force in 2021 and on its provision and concept of “proper spatial planning”, in relation to the accessibility of the physical environment, transportation, information and communications, and on safeguards for ensuring its implementation and independent monitoring;

(b) Progress made in integrating universal design and accessibility standards into building construction decrees, namely the Building Decree of 2012 and municipal planning laws, and in incorporating accessibility requirements into legal requirements for all public procurement agreements;

(c) Programmes at national and municipal levels, in particular the allocation of funds to such programmes, that are aimed at ensuring accessibility of the physical environment, transportation, information and communications, and goods and services for persons with physical, intellectual, psychosocial, visual and hearing disabilities and autistic persons.

Situations of risk and humanitarian emergencies (art. 11)

8. Please provide information on measures taken to:

(a) Incorporate requirements of all persons with disabilities into the protocols of disaster risk response and humanitarian emergencies, including in refugee and migration contexts, including persons with disabilities from Ukraine who are seeking international protection;

(b) Actively involve and closely consult with organizations of persons with disabilities in decision-making processes with regard to COVID-19 response and recovery plans, as well as on the mainstreaming of disability into COVID-19 response and recovery plans;

(c) Develop inclusive and accessible disaster risk reduction strategies and emergency response measures in consultation with organizations of persons with disabilities, in line with the Sendai Framework for Disaster Risk Reduction 2015–2030.

Equal recognition before the law (art. 12)

9. Please update the Committee on the progress made in the abolishment of the substitute decision-making regimes, such as protective administration, mentorship and tutelage, and replacing them with supported decision-making, which protects the freedom and equality of

persons with disabilities on an equal basis with others and respects the will and preferences of persons with disabilities.

10. Please provide data, disaggregated by age, sex and impairment type, on persons under substitute decision-making regimes, such as protective administration, mentorship and tutelage.

Access to justice (art. 13)

11. Please provide information on measures taken to:

(a) Ensure procedural and age-appropriate accommodations in national legislation regarding access to justice, including the obligation to accommodate all persons with disabilities, in particular persons who are deprived of legal capacity;

(b) Ensure the provision of accessible materials, communication and information in all judicial proceedings.

Liberty and security of the person (art. 14)

12. Please provide information about:

(a) Measures taken to revoke provisions allowing for coercion in psychiatric institutions and non-consensual treatment of persons with disabilities, and about any remaining or new legislation that maintains such provisions;

(b) Steps taken to ensure that persons with disabilities have access to procedures that enable them to object to their deprivation of liberty and non-consensual treatment;

(c) Legal safeguards in place to ensure the right to liberty and security of persons with disabilities on an equal basis with others, and about measures taken to review and provide data on all cases of deprivation of liberty of persons with disabilities in psychiatric settings, including forensic psychiatric settings;

(d) Whether the State party intends to use the community-based and recovery-oriented measures in the scope of mental health care and to discontinue using the “risk assessment system on the prediction of behaviour”;

(e) Measures taken to ensure accessibility and the provision of reasonable accommodations to persons with disabilities deprived of their liberty in places of detention and upon their release, including in the Caribbean territory of the State party;

(f) Data, disaggregated by sex, age, type of impairment, type of facility and length of detention, about persons with disabilities deprived of their liberty and subjected to non-consensual treatment;

(g) Whether the State party intends to be guided by its obligations under article 14 of the Convention and by the Committee’s guidelines on the right to liberty and security of persons with disabilities, and whether it intends to oppose the adoption of the draft additional protocol to the Convention for the Protection of Human Rights and Dignity of the Human Being with Regard to the Application of Biology and Medicine, on the protection of the human rights and dignity of persons with mental disorders with regard to involuntary placement and involuntary treatment.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

13. Please provide information on measures taken to:

(a) Fully prohibit the use of physical and chemical restraints, including the use of non-consensual medication and electroconvulsive therapy, on persons with disabilities who are deprived of their liberty in psychiatric hospitals and social care institutions, including in the Caribbean territory of the State party;

(b) Ensure that persons deprived of their liberty have access to independent monitoring and complaint mechanisms and that victims of torture and ill-treatment are entitled to and provided with redress and adequate compensation, including rehabilitation;

(c) Address the concerns expressed by the Committee against Torture regarding the treatment of children in institutional settings for young people, in particular by providing information on children with disabilities who are held in such facilities.

Freedom from exploitation, violence and abuse (art. 16)

14. Please provide information on:

(a) Measures taken to prevent and ensure early identification of violence and abuse against persons with disabilities, including in school settings, and provide information in accessible formats to persons with disabilities;

(b) Measures taken to ensure that all cases of violence and abuse against persons with disabilities, including women and children with disabilities, and girls in particular, are identified, recorded, effectively investigated and prosecuted in a gender- and age-sensitive manner;

(c) Services, including emergency shelters, that are accessible to and available for persons with disabilities, in particular persons in discriminatory situations and those still living in institutions; measures to prevent all forms of exploitation, violence and abuse; and measures taken to ensure that regular mandatory inspections occur and that reporting and complaints mechanisms and remedies are available to persons with disabilities, including children with disabilities who are still living in institutions;

(d) Systematic and independent monitoring of psychiatric and residential settings with the involvement of organizations of persons with disabilities;

(e) Measures taken to prevent the exploitation and trafficking of persons with intellectual disabilities, including the sexual exploitation of girls and women with disabilities;

(f) Measures taken to prohibit the use of isolation and restraint as disciplinary measures in mental health institutions and alternative care settings, as recommended to the State party by the Committee on the Rights of the Child.

Protecting the integrity of the person (art. 17)

15. Please inform the Committee about measures taken to ensure that any sterilization, abortion or other irreversible treatment or intervention carried out on persons with disabilities – in particular on intersex persons, persons under substitute decision-making regimes and deaf children, with regard to cochlear implants – is not made without their free and informed consent.

Liberty of movement and nationality (art. 18)

16. Please inform the Committee about measures taken to:

(a) Ensure accessible and understandable means of providing information and modes of communication, and accessible and reasonable accommodation for asylum seekers and refugees with disabilities, in particular children with disabilities, at border crossings and at reception and accommodation facilities;

(b) Support and accommodate refugees with disabilities, including those arriving from Ukraine, including through assisting in strengthening the capacity of the civil society organizations that are supporting them;

(c) Collect data on asylum seekers and refugees with disabilities, disaggregated by sex, age and type of impairment.

Living independently and being included in the community (art. 19)

17. Please provide information on:

(a) Steps taken to develop a deinstitutionalization policy, including details on the time frame within which the full deinstitutionalization of all persons with disabilities, in particular children with disabilities, persons with intellectual disabilities and persons with

psychosocial disabilities, will be achieved, and measures to facilitate their full inclusion and participation in the community;

(b) The availability of housing and the extent to which it ensures the right of persons with disabilities to freely choose their living arrangements in the community and their right to choose where and with whom to live, including for persons placed under substitute decision-making regimes;

(c) Measures taken to ensure that personal assistance programmes provide persons with disabilities, including persons who are still under substitute decision-making regimes, with sufficient financial assistance to allow them to live independently in the community, and to ensure that the differences in criteria applied by municipal authorities are reduced to a minimum;

(d) The number of persons with disabilities, including children with disabilities, who are still living in residential institutions.

Personal mobility (art. 20)

18. Please provide information on measures taken to ensure that persons with disabilities, including asylum seekers and refugees with disabilities, are able to access and can afford to buy high-quality assistive technologies and devices, and forms of live assistance and intermediaries, in the manner and at the time of their choice.

Freedom of expression and opinion, and access to information (art. 21)

19. Please provide information on:

(a) The progress made in the level and extent of recognition of sign language in all areas of life;

(b) Measures to improve accessibility of sign language interpretation for all deaf persons, and to enhance the training provided to sign language interpreters;

(c) The development and implementation of a variety of accessible means, modes and formats of communication for persons with disabilities, including but not limited to Braille, sign language, Easy Read, symbol systems, induction loops, subtitles, audio description and transcription;

(d) Steps taken to guarantee full access to the contents of the Internet, in accordance with the standards of the World Wide Web Consortium's Web Accessibility Initiative.

Right to privacy (art. 22)

20. Please inform the Committee about consultations conducted with organizations of persons with disabilities on the review of legislation that relates to privacy, including cameras in health facilities, and the protection of personal data, including medical files relating to a person's impairments.

Respect for home and the family (art. 23)

21. Please provide information on:

(a) Impact assessments of laws and regulations that reduce subsidies or disability benefits for persons with disabilities if they share a household with others;

(b) The scope of income-dependent contributions provided to households for the purposes of contributing to care and support, and on the impact of those contributions on decisions by persons with disabilities to engage in family life;

(c) In-home support measures and community-based services for families with children with disabilities who require high levels of support that are designed to prevent separation of children from their parents on the basis of their disability;

(d) Measures to prevent placement of children with disabilities in any kind of residential setting, and measures to promote and provide a family life for children with disabilities.

Education (art. 24)

22. Please provide information on:

(a) Plans to discontinue the dual education system and implement the inclusive education system, and plans to build a strategy with clear targets and an allocated budget for inclusive education for all children with disabilities;

(b) Plans to recognize the denial of access to education in general schools for a child with disabilities as a form of discrimination;

(c) Measures taken to ensure access for all children with disabilities to general schools in their communities, and to ensure the necessary support, in particular the provision of reasonable accommodation, for children with disabilities in the general education system;

(d) Measures taken to ensure access to inclusive tertiary education, including vocational and higher education, for children and adults with disabilities;

(e) Training provided to general education teachers on the rights of children with disabilities to inclusive education, and on inclusive education methods and augmentative and alternative modes, means and formats of communication, education techniques and materials;

(f) Data, disaggregated by age, sex and type of impairment, on children with disabilities in special education settings, including in special education schools and special education classes within the general education system, as well as on children with disabilities in the general education system.

Health (art. 25)

23. Please inform the Committee about the rationale of prenatal screening for pregnant women for detecting impairment of a foetus, as indicated in the paragraphs 268 and 269 of the State party report, as well as whether the State party is aware that disability prevention is a measure of the medical model of disability and not a provision of the Convention.

24. Please provide information on measures taken to:

(a) Ensure access for all persons with disabilities to health care, including gynaecological, dental and other health-care services, facilities, amenities and equipment, including through the provision of specific accessible amenities and equipment for women and girls with disabilities;

(b) Reduce the waiting time necessary to access health-care services, in particular for persons with psychosocial disabilities;

(c) Facilitate training and the promulgation of an ethical standard for health-care professionals, with a view to providing health-care services for persons with disabilities that are of the same quality as those provided to others, including through raising awareness of the human rights, dignity, autonomy and requirements of all persons with disabilities.

Work and employment (art. 27)

25. Please provide information on:

(a) Employment rates among persons with disabilities, disaggregated by age, sex and impairment type, in both the open labour market and sheltered employment, as well as on unemployed persons with disabilities;

(b) Measures taken to promote inclusive employment of persons with disabilities in the open labour market, including the quota system that was initiated in 2018, and on measures taken to ensure that reasonable accommodation is provided to persons with disabilities in the workplace and in the open labour market;

(c) The definition of “people with occupational disabilities” as mentioned in paragraph 291 of the State party report;

(d) Measures taken to reduce the unemployment rate of persons with disabilities and to narrow the gender pay gap faced by women with disabilities.

Adequate standard of living and social protection (art. 28)

26. Please provide information on measures taken to:

(a) Include disability in the collection and publication of data concerning poverty and social protection, disaggregated by sex, age, level of education, ethnicity and national origin, type of impairment and type of residence;

(b) Tackle the income inequality faced by persons with disabilities;

(c) Address homelessness among persons with psychosocial disabilities.

Participation in political and public life (art. 29)

27. Please provide information on measures taken to:

(a) Ensure accessibility of voting procedures, facilities, materials and election campaigns for persons with disabilities, in particular deafblind persons and persons with intellectual and psychosocial disabilities, and those placed under substitute decision-making regimes;

(b) Promote and support the participation of persons with disabilities, in particular women with disabilities, in the conduct of public affairs and political life.

Participation in cultural life, recreation, leisure and sport (art. 30)

28. Please inform the Committee on the measures taken to identify the barriers hindering the participation of persons with disabilities in cultural life, recreation, leisure and sport, and to promote the participation of all persons with disabilities in cultural life, recreation, leisure and sport on an equal basis with others.

C. Specific obligations (arts. 31–33)

Statistics and data collection (art. 31)

29. Please inform the Committee on:

(a) Efforts to increase the systematic collection of, reporting on and dissemination of data, as well as on coordination among all public bodies, State agencies and representative organizations of persons with disabilities in that regard. Data should encompass the entire State party, including the Caribbean territory of the State party, and should be disaggregated by type of impairment; sex; gender identity; age; rural and urban areas; type of residence, including institutional settings; ethnicity and national background; socioeconomic status; level of poverty among persons with disabilities; violence against persons with disabilities; employment status; migration status; and participation in various areas of life;

(b) The formats and extent to which representative organizations of persons with disabilities are involved in the process of data collection.

International cooperation (art. 32)

30. Please provide information on the measures taken to ensure the full and effective participation of persons with disabilities and their organizations in the planning and monitoring of international cooperation activities, including with regard to the European Structural and Investment Funds and the 2030 Agenda for Sustainable Development.

National implementation and monitoring (art. 33)

31. Please provide information on:

(a) The human, financial and technical resources of the Ministry of Health, Welfare and Sport, designated as the focal point for the implementation of the Convention, to mainstream the obligations under the Convention across all sectors of the government and all areas of life, in particular the justice and health sectors, including in the Caribbean territory of the State party;

(b) Measures to ensure full and effective participation of organizations of persons with disabilities, including organizations of women with disabilities, in the monitoring and implementation of the Convention.
