



Convention on the Rights of Persons with Disabilities

Distr.: General
1 April 2022
**ADVANCE UNEDITED
VERSION**

Original: English

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, particularly by replacing the medical model of disability and incapacity approach with the human rights model of disability;
 - (b) Harmonise national and municipal regulations, including the Caribbean part of the Netherlands, with the aim to redress inequalities between municipalities and create common standards of the implementation of the rights of persons with disabilities as provided in the Convention;
 - (c) Assess the effectiveness of “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 organisations of persons with disabilities in local policy;
 - (e) Guarantee a more structured and diversified involvement of persons with disabilities and their representative organisations 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, including information on when it will be ratified;
 - (g) Review and withdraw the interpretative declarations made upon ratification of the Convention, particularly 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 part of the Netherlands.
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;

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



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

(c) Whether the “personal healthcare budgets”, referred to in paragraph 48 of the State party report, are controlled by healthcare providers and only for healthcare matters;

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

B. Specific rights (arts. 5–30)

Equality and non-discrimination (art. 5)

3. Please inform the Committee on:

(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 timeframe for the adoption of the anti-discrimination legislation in the Caribbean parts of the Netherlands;

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

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

Women with disabilities (art. 6)

4. Please inform the Committee on the:

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

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

(c) Cases reported on sexual violence against women with disabilities, number of prosecutions and convictions, disaggregated by age, type of impairment of a woman, as well as on offence and sanctions.

Children with disabilities (art. 7)

5. Please inform the Committee on:

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

(b) Measures taken to prevent placement of children with disabilities in closed care facilities;

(c) Monitoring of children with disabilities receiving specialised services in detention, refugee centres and as victims of trafficking and about the extent of accommodations that are provided for them.

Awareness-raising (art. 8)

6. Please inform the Committee about the public awareness campaigns, including through media, taken to combat stigmatization, stereotypes, prejudices, harmful practices, negative attitudes, bullying and hate crimes, particularly on the various types of impairment in the society, as well as on the involvement of organisations of persons with disabilities in this undertaking.

Accessibility (art. 9)

7. Please provide information on:

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

(b) The progress to integrate universal design and accessibility standards into building construction decrees, namely the Building Decree 2012 and municipal planning laws and to include accessibility requirements into legal requirements for all public procurement agreements;

(c) Funds allocated to and programs at national and municipal levels to ensure accessibility to physical environment, transportation, information and communications, good 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 in 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 the supported decision-making that protect the freedom and equality of persons with disabilities on an equal bases with other, and respect will and preferences of persons with disabilities.

10. Please provide disaggregated data by age, sex and impairment 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) The measures taken to revoke provisions allowing for coercion in psychiatric institutions and non-consensual treatment of persons with disabilities, and about the remaining or new legislation, maintaining such provisions;

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

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

(d) Whether the State Party intends to reconsider the risk assessment system on the prediction of behaviour of persons in mental health care with the community-based and recovery-oriented measures;

(e) Measures taken to ensure accessibility and reasonable accommodations to persons with disabilities deprived of their liberty in place of detention and upon their release, including in Caribbean part 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 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, entitled "The protection of human rights and dignity of persons with mental disorder 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, of persons with disabilities who are deprived of their liberty in psychiatric hospitals and social care institutions, including in the Caribbean part 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 UN Committee against Torture about the treatment of children in closed youth care facilities, in particular provide information on children with disabilities held there.

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, girls in particular, are

identified, recorded, effectively investigated and prosecuted in a gender- and age-sensitive manner;

(c) Services, including emergency shelters, accessible and available for persons with disabilities, particularly those in discriminatory situations and persons still living in institutions, protective a preventive measures from 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 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 exploitation and trafficking of persons with intellectual disabilities, including 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 UN 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 sterilisation, abortion or other irreversible treatment or intervention on persons with disabilities, particularly on intersex persons, on persons under substitute-decision making regimes and on 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 modes of information and communication, accessibility and reasonable accommodation for asylum-seekers and refugees with disabilities, particularly children with disabilities, at border crossings, reception and accommodation facilities;

(b) Support and accommodate refugees with disabilities, including those arriving from Ukraine, including support to capacity strengthening of civil society organisations, helping 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) Any steps taken to develop deinstitutionalization policy, including details on the time frame within which the full deinstitutionalization of all persons with disabilities, particularly children with disabilities, persons with intellectual and 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 it ensures the persons with disabilities to freely choose their living arrangements in the community and the right to where and with whom to live, including for persons placed under substitute-decision making regimes;

(c) The measures taken to ensure that personal assistance programs provide persons with disabilities, including persons who still are 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, still living in residential institutions and placed in closed settings.

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, 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, as well as on strengthening of trainings provided to Sign Language interpreters;

(c) The development and implementation of accessible means, modes and formats of communication of their choice to 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 World Wide Web, 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 the consultations with organisations of persons with a disability on the review of legal provisions and regulations that relate to the privacy of a person, including cameras in health facilities, and protection of personal data, including medical files in relation to impairments of a person.

Respect for home and the family (art. 23)

21. Please provide information on:

(a) Impact assessment 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 the income-dependent contributions for households for contributing to care, and support, and on the impact of these contributions in 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 and thus prevent separation of children from their parents on the bases of their disability;

(d) Measures to prevent placement of children with disabilities in any kind of residential setting and measures to promote and provide 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, build a strategy with clear targets and 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, as well as to ensure necessary supports, particularly reasonable accommodations, for children with disabilities in 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) Trainings provided to general education teachers on the rights of children with disabilities to inclusive education, on inclusive education methods and augmentative and alternative modes, means and formats of communication, education techniques and materials;

(f) Disaggregated data 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 general education system, as well on children with disabilities in general education system.

Health (art. 25)

23. Please inform the Committee on 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 providing specific accessible amenities and equipment for women and girls with disabilities;

(b) Reduce waiting time to access health care for persons with psychosocial disabilities particularly;

(c) Facilitate trainings and the promulgation of ethical standard for health care professionals to provide health care services of the same quality to others, including 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 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 activated 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) 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 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/national origin, type of impairment, type of residence;

(b) Tackle the income inequality of persons with disabilities;

(c) Address homelessness among persons with psychosocial disability.

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, particularly for deafblind persons and persons with intellectual and psychosocial disability, and those placed under substitute decision making regimes;

(b) Promote and support the participation of persons with disabilities, particularly of 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 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, dissemination and coordination between all public bodies, state agencies and representative organisations of persons with disabilities, for collecting disaggregated data by type of impairment, sex, gender identity, age, rural and urban areas, type of residence, including institutional settings, ethnicity/national background, socioeconomic status, level of poverty among persons with disabilities, violence against persons with disabilities, employment, migration status, participation in various areas of life, including from the Caribbean parts of the State Party;

(b) The formats and extent to which representative organisations 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 organisations in the planning and monitoring of international cooperation activities, including with regard the European Structural Funds, the European Investment Fund 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, particularly justice and health sectors, including in the Caribbean parts of the State Party;

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