

Reflections by the DPOs
on the response of the Dutch
government to the list of
issues in relation to the initial
report of the Netherlands



Alliantie
VN-verdrag Handicap

Table of contents_Toc168562665

A.	Purpose and general obligations (arts. 1–4)	4
B.	Specific rights (arts. 5–30)	7
3	Equality and non-discrimination (art. 5)	7
4	Women with disabilities (art. 6)	8
5	Children with disabilities (art. 7)	8
6	Awareness-raising (art. 8)	9
7	Accessibility (art. 9)	10
8	Situations of risk and humanitarian emergencies (art. 11)	11
9/10	Equal recognition before the law (art. 12)	11
11	Access to justice (art. 13)	12
12	Liberty and security of the person (art. 14)	13
13	Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)	15
14	Freedom from exploitation, violence and abuse (art. 16)	16
15	Protecting the integrity of the person (art. 17)	17
16	Liberty of movement and nationality (art. 18)	17
17	Living independently and being included in the community (art. 19)	18
18	Personal mobility (art. 20)	19
19	Freedom of expression and opinion, and access to information (art. 21)	20
20	Right to privacy (art. 22)	21
21	Respect for home and the family (art. 23)	21
22	Education (art. 24)	22
23/24	Health (art. 25)	24
25	Work and employment (art. 27)	24
26	Adequate standard of living and social protection (art. 28)	25
C.	Specific obligations (arts. 31–33)	26
29	Statistics and data collection (art. 31)	26
30	International cooperation (art. 32)	26
31	National implementation and monitoring (art. 33)	27

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

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

- a. Fully harmonise 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;

The government does not specify which measures it has taken to bring policies and legislation in line with the human rights model of disability.

DPOs request the Committee to ask the government how it ensures that local, regional and national policy makers have knowledge about the principles of the UNCRPD and the human rights model of disability, and apply this knowledge when they develop, implement and evaluate policy and legislation.

- b. Harmonise 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;

In its response, the government mentions municipalities' discretion in the implementation of the UNCRPD. This causes inequality and deprivation for residents. The situation in the Caribbean Netherlands is fundamentally different from the European context.

DPOs request the Committee to ask the government how it is pressing all municipalities on the need for just implementation of national framework laws at municipal level despite the municipal policy freedom.

DPOs request the Committee to urge the government to base the implementation of the UNCRPD in the Caribbean Netherlands on the human rights model.

DPOs request the Committee to ask the government what they will do to support people with disabilities in the Caribbean Netherlands in their personal accounting, in order to be more resilient now that they will have more money at their disposal as of July 1st, 2024, and how they will involve representative organisations of people with disabilities.

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

DPOs request the Committee to ask the government whether measurable targets have been set when drawing up actions or inclusion pacts for improving the position of disabled persons on all life-wide areas and, if not, what the government will do to ensure that targets are achieved (expressed in tangible impact, rather than plans or efforts).

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;

Many municipalities do not comply with the legal obligation to drawing up a LIA. Moreover, this obligation does not specify mandatory content, meaning that this varies greatly and often more controversial articles such as 19 and 24 are not mentioned.

DPOs call for the Committee to ask the government how many municipalities do not have a LIA yet and when 100% coverage will be achieved.

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

In 2023 the Dutch government decided to ratify the optional protocol but up to now it is not clear when this will take place, although government promised a fast implementation process in 2023.

DPOs request the Committee to ask the government when the optional protocol 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);

DPOs urge the Committee to ask the government to examine which steps can be taken to bring legislation related to Articles 12 and 14 more in line with the ratified UNCRPD.

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

DPOs urge the Committee to ask the government whether the UNCRPD will be the guideline for developing this new legislation in the Caribbean Netherlands and how representative organisations will be involved.

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;**

DPOs urge the Committee to ask the government if and on what grounds it will reconsider its position as stated in the Explanatory Memorandum, and if it will take into account the general comments as a guideline.

- 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;**

A clear and simple system to determine what support a person needs, is lacking. As a consequence of this, persons with disabilities have to undergo an endless process of assessment and reassessment, for new and existing accommodations. These different assessments and reassessments are made by different commissions and bodies, even though they are about the same disabled individual.

When determining which support is appropriate, the government first points at the responsibility of the person who needs support and their own network, before gaining access to facilities. Therefore, relatives can get overburdened by having to provide care, particularly for families with a disabled child.

DPOs request the Committee to ask the government how it plans to improve the currently inaccessible, burdensome and user-unfriendly system of assessment and reassessment.

- 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 organisations of persons with disabilities in the training programmes.**

The government presents no plan, no timepath and no mandatory character. Civil society has initiated some small-scale projects, as mentioned by the government. However, these initiatives are not mandatory and not coordinated by the government.

Even on the level of local government, there is no structural training on the UNCRPD, only incidental non-mandatory training modules.

DPOs request the Committee to ask the government to elaborate on the (non)-mandatory character of these trainings, and to provide information about the groups of professionals who have been offered this type of training.

B. Specific rights (arts. 5–30)

3. Equality and non-discrimination (art. 5)

a. Please inform the Committee about:

Whether the denial of reasonable accommodation is recognised 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;

The NHRI is not authorised to judge unilateral government action.

Special education is exempted from legislation that prohibits discrimination (Wgbh/cz). A referral to special education, even if this is against the choice of a pupil or parent(s), is legally not considered as discrimination. This not only obstructs the development of inclusive education policies, but also the right of pupils and parents to call for a judgement by the NHRI.

DPOs request the Committee to ask our government whether it has plans to extend the competence of the NHRI, so that it will be able to pass judgement in cases of unilateral government action.

DPOs request the Committee to ask our government if it has plans to revoke the exemption in the Wgbh/cz for special education

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

DPOs request the Committee to demand a concrete timepath for implementation of anti-discrimination legislation in the Caribbean Netherlands.

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.**

The right to accessibility, although established by law, is not enforced in the Netherlands. Entrepreneurs and commercial parties are merely tempted to comply with accessibility standards.

DPOs request the Committee to ask our government if they can justify the lack of enforcement of legally binding accessibility standards, even when this means that the Netherlands is falling behind other countries on accessibility.

4. Women with disabilities (art. 6)

a. Please inform the Committee about:

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;

Women and girls with disabilities are a blind spot in the programmes and measures on equality and gender-based violence. Especially women and girls outside care institutions.

DPOs request the Committee to ask the government to include women with disabilities through their representative organisations in the development and monitoring of programmes and measures on equality and gender-based violence.

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

DPOs request the Committee to ask the government what action they will take to (gradually) improve the physical and digital accessibility of women's shelters and their websites, as well as actions aimed at improving the information that women's shelters provide about the physical accessibility and possible individual accommodations.

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.**

[Research](#) shows that 61% of women with a cognitive disability, and 23% of men with a cognitive disability, have experienced sexual abuse. This result requires further research about the locations in which this abuse takes place; the persons who are abusive; the ways in which abuse can be prevented; and the support that victims need.

DPOs request the Committee to ask the government whether it intends to stimulate further research into sexual abuse of persons with (cognitive) disabilities.

5. Children with disabilities (art. 7)

a. Please inform the Committee about:

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;

In practice, care and support for young disabled people and their families has been a neglected policy area for years. The new Youth Reform Agenda aims to improve this.

DPOs request the Committee to ask the government to indicate the system for care and support respect the autonomy of the person (or relatives) receiving care. Are the financing and criteria aimed at children and youth in regular settings (school or at home), or mainly granted to children and youth in secluded settings (special education or youth care institutions)?

DPOs request the Committee to ask the government to provide information about the Youth Reform Agenda (Hervormingsagenda Jeugd) and how this will contribute to the goals of the CRPD.

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

In March 2024, Jason Bhugwandass presented his [research report “Eenzaam Gesloten” \(Closed in Solitude\)](#), on the experiences of abuse and neglect of young people in closed youth care (ZIKOS). A summary of his findings can be read in Annex 1.

The government made reservations on article 14, arguing that in specific cases forced care is necessary in the interests of the person with a disability and the people around them. Yet we witness excesses as described in the report because of the reservations on article 14.

DPOs request the Committee to ask the government to reflect on the structural nature of the abuse and violence in facilities like the ZIKOS-institutions in relation to the reservation on article 14.

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

The government provides no information about children with disabilities in detention or refugee centres, as a consequence of which the quality of accommodations for disabled children is impossible to monitor.

DPOs request the Committee to ask the government to provide information about the accommodations detention and refugee centres make available for disabled children.

6. Awareness-raising (art. 8)

- a. Please inform the Committee about:**
public awareness-raising campaigns, including those undertaken through the media, that are aimed at combating stigmatisation, 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 organisations of persons with disabilities in this undertaking.

DPOs regret that the government does not proactively work on combatting stereotypes and discriminatory images in the media.

DPOs request the Committee to ask the government to indicate the effectiveness of the campaigns mentioned in the reply, and to provide information about how this effectiveness is monitored.

7. Accessibility (art. 9)

a. Please provide information on:

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;

The Environment and Planning Act does not set norms on the accessibility of public spaces and does not include mandatory monitoring on the progress of accessibility. Consequently, each of the 342 municipalities can set their own norms, without an overarching enforcing mechanism for improving accessibility.

DPOs request the Committee to ask the government to provide information about mandatory national norms on accessibility of public spaces.

DPOs urge the Committee to ask the government why the implementation of the Environment and Planning Act will not be monitored, nor its effect on the accessibility of society.

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;**

Because of the voluntary nature of the Netherlands Standardisation Institute norm, there is no equal playing field for the building industry, meaning that often the lowest price will be the deciding factor and accessibility standards will not be met.

DPOs request the Committee to ask the government why it refrains from setting a mandatory norm rather than a voluntary norm.

DPOs request the Committee to ask the government to provide information about the ways in which she will stimulate use of the voluntary new norm and how compliance to this norm will be monitored.

- 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.**

A limitation of the European Accessibility Act is that it does not refer to legal norms and standards for accessibility.

DPOs request the Committee to ask the government how accessibility will become the norm without legal enforcement, specifically for existing buildings. Has the government laid out plans and goals, for which sufficient funding has been made available, and which will be monitored?

DPOs requests the Committee to ask the government how accessibility of information and communication (such as easy to read language) by governments, commercial parties and media will be improved.

8. Situations of risk and humanitarian emergencies (art. 11)

- a. **Please provide information on measures taken to:
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;**

DPOs request the Committee to ask the government about plans for broad and overarching Disability Inclusive Disaster Risk Reduction and how persons with disabilities and their representative organisations are involved

- b. **Actively involve and closely consult with organisations 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;**

DPOs request the Committee to ask the government whether the participation in decision-making by persons with disabilities (and their representative organisations) is defined in the protocols that will be followed in case of a new crisis situation or pandemic such as Covid-19.

9. Equal recognition before the law (art. 12)

See Annex for more information.

**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.**

Because the government does not work on developing a system of supported decision making, it is our view that substitute decision making is regular practice, rather than a 'last resort'.

In the Caribbean Netherlands, there is no system of protective administration, mentorship and tutelage. The government intends to start developing this system at short notice.

DPOs request the Committee to ask the government to introduce a system of supported rather than substitute decision making in the Caribbean Netherlands.

DPOs request the Committee to ask the government if it is willing to abolish the system of substitute decision-making and to replace it with supported decision-making, while resolving the acute problems regarding administrative guardianship.

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

Because data is not collected in courts' data collection systems in the Netherlands, it is not possible to monitor the intersectionality of discrimination when it comes to age, gender and disability.

DPOs request the Committee to ask the government what measures are taken in order to prevent extra obstacles because of multiple marginalisations.

11. Access to justice (art. 13)

a. Please provide information on measures taken to:

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; The government omits structural barriers to subsidised legal aid, such as complicated language and lack of support in the application procedure.

DPOs request the Committee to ask the government to provide further information on the measures it takes to guarantee equal access to justice for persons with disabilities, including those who are not under guardianship but nevertheless need forms of support or accommodation.

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

DPOs request the Committee to ask how the government ensures that people with low digital skills, or people for whom judicial proceedings are too complex, can have access to justice on an equal footing.

12. Liberty and security of the person (art. 14)

See Annex for more information.

- a. **Please provide information about:**
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;

Different legislation applies to people with cognitive disabilities (Compulsory Mental Healthcare Act, *Wet Verplichte Geestelijke Gezondheidszorg*, WVGZ) and people with psychiatric disabilities (Act on Care and Involuntary Treatment, *Wet Zorg en Dwang* WZD). When it comes to compulsory care, meaning legal protection is not equally safeguarded.

Since the introduction of these Acts, it has also been [possible to use forced contraception](#).

DPOs request the Committee to ask the government whether it plans to align the WZD and WVGZ with the UNCPRD and end the unequal legal protection outcomes of these two legal regimes.

DPOs request the Committee to ask how the government ensures that care institutions comply to the mandatory reporting of instances of solitary isolation, specifically addressing the role of the inspection.

DPOs request the Committee to ask the government what actions it takes to make sure that the number of instances of forced isolation declines in every care institution.

DPOs request the Committee to ask the government how they can guarantee women with disabilities their human rights while their bodies are being introduced to contraceptives against their will.

- 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;**

DPOs request the Committee to ask the government how it monitors that people with disabilities and their legal representatives receive accessible information about the WZD, including the opportunity to be supported by a client confidential counsellor.

- 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;**

DPOs request the Committee to urge the government to provide information about the definition of 'tailor-made compulsory care', including where and under which conditions this can be applied.

DPOs request the Committee to ask the government how these legal safeguards regarding deprivation of liberty and compulsory care apply to people with disabilities in a domestic setting.

- 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";**

DPOs request the Committee to ask the government how it ensures that persons displaying "confused behavior" will be safe from police force and will be treated with respect for their human dignity by qualified caregivers.

- 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;**

DPOs request the Committee to ask the government to provide information about the ways in which persons with mild intellectual disabilities are supported during and after detention, knowing from research that this group constitutes 40% of the detainees in the Netherlands.

- 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;**

DPOs request the Committee to ask the government to ensure that the prevalence of nonconsensual admission will be monitored yearly, as well as the impact of policy aimed at reducing nonconsensual admission.

- 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.**

DPOs request the Committee to ask the government if it will request the Dutch permanent mission to the Council of Europe to end their participation in the development of the Draft Additional Protocol to the Oviedo Convention, and instead of this take action aimed at implementing the UNCRPD.

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

- a. **Please provide information on measures taken to:**
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;

DPOs request the Committee to ask the government what legal safeguards are in place for Dutch citizens in Bonaire, Statia and Saint Martin, under the 'Law on supervision of psychiatric patients' that is applied in these special municipalities.

DPOs request the Committee to ask the government how it aims to shift the priority of care providers towards looking for alternative consent-based forms of care, in order to prevent compulsory care.

DPOs request the Committee to ask the government to provide information about the support that care providers receive to invest in alternatives for compulsory care and solitary confinement, in order to reduce the use of these extreme measures.

- 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;**

In practice, there is often no direct contact between the client and the complaint commission, but the care provider is an intermediate party in the process. For example, the largest complaint commission to the WZD, the Complaints Commission Compulsory Care laid down in policy that complaints need to be filed by the care provider (not the client or their legal representative).

DPOs request the Committee to ask the government how it monitors the information provision about the possibility to file a complaint with the complaint commission, without dependency on the care provider as an intermediate party.

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.**

UNCAT obligated the Netherlands in 2018 to take action to improve the situation of children in closed youth care facilities. Insufficient measures have been taken by the government to implement this, as is illustrated by the aforementioned report 'Closed in Solitude' (Annex 1).

DPOs request the Committee to ask the government to conduct thorough investigation into why these grave human rights violations could take place in closed youth care facilities despite the fact that confidential counsellors were aware of these violations, and monitoring and complaint procedures are in place under the Youth Act.

DPOs request the Committee to ask the government to ensure that human rights violations as described in "Closed in Solitude" can never again take place in closed youth care facilities, nor in any other type of care institution, and to present a concrete time path in which victims will receive a formal apology and adequate compensation, including effective rehabilitation.

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

a. **Please provide information on:**

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;

Prevention of sexual violence, mostly aimed at teaching victims to state their wishes and boundaries, does not suffice, because perpetrators do not respect these boundaries.

The policy vision mentioned in the response of the government is not accessible: the website [sense.info.nl](https://www.sense.info.nl) does not meet the digital accessibility requirements.

DPOs request the Committee to ask the government to provide information about the opportunities of victims of (sexual) abuse to report violence, the support they receive in the process and how they can be better protected.

DPOs request the Committee to ask the government to provide information about any trainings professionals in care institutions receive on recognizing violence within institutions and domestic settings, including in their own therapeutic activities.

DPOs request the Committee to ask the government to enforce digital accessibility legislation and to specifically monitor websites about sexual health, violence and youth, especially websites that are part of national programmes.

- 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;**

Despite the fact that women with disabilities fall victim to (sexual) violence more often than women in general and men with disabilities, women with disabilities are not included in policy aimed at gender equality, and neither are they explicitly mentioned in policy about persons with disabilities.

DPOs request the Committee to ask the government to specifically address victims of (sexual) violence and domestic violence with physical and/or cognitive disabilities in their mainstream gender equality policies, as well as the working agenda of the National Strategy for Implementation of the UNCRPD.

15. Protecting the integrity of the person (art. 17)

Please inform the Committee about:

measures taken to ensure that any sterilisation, 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.

The information provided by hospitals on cochlear implant operations is grounded in the medical model of disability and does not mention objections of Deaf people against cochlear implants, nor the importance of Dutch Sign Language.

Furthermore, intersex children are still undergoing medically unnecessary [operations](#) without their consent.

DPOs request the Committee to ask the government what they will do to bring the proxy consent rights of parents regarding non-consensual unnecessary medical treatments for intersex children and Deaf children into line with international law and the UN Convention on Disability.

16. Liberty of movement and nationality (art. 18)

- b. **Please inform the Committee about measures taken to:**
Support and accommodate refugees with disabilities, including those arriving from Ukraine, including through assisting in strengthening the capacity of the civil society organisations that are supporting them;

With the influx of refugees from Ukraine, insufficient account was taken of specific requests for help from people with disabilities.

DPOs urge the Committee to ask the government how they will ensure future preparedness for the arrival of disabled refugees during a humanitarian crisis.

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

The GDPR provides sufficient scope for collecting information broken down by gender, age and nature of the disability to determine whether specific measures are needed for refugees with disabilities.

DPOs request the Committee to ask the government to collect data on the prevalence of refugees with disabilities and their living conditions in asylum centres.

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

a. Please provide information on:

Steps taken to develop a deinstitutionalisation policy, including details on the time frame within which the full deinstitutionalisation 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;

The recent agreement between the Association for Disabled Care Netherlands (VGN) and Zorgverzekeraars Nederland (ZN) on the transition to future-proof disability care could be considered a first step towards deinstitutionalisation policy. However, client organisations were not involved, and the agreement is strongly motivated by economic (rather than human rights) motives.

DPOs request the Committee to ask the government to provide information about the deinstitutionalisation policy formulated in the transition agreement, and on the way this agreement was reached.

DPOs request the Committee to ask how the government ensures in the transition agreement that people with disabilities receive sufficient personal support at home and outside the home, and with participation in all social domains?

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;

The building plans of the government do not impose additional accessibility requirements for people with disabilities. The answer also lacks reflection on the problems that arise when moving within or between municipalities, such as the loss of care, low willingness to realise home adjustments and having to hand in aids.

DPOs request the Committee to ask the government how its housing programme creates accessible housing for people with disabilities, including young people or students with a physical disability and couples and families with a family member with a physical disability.

- 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;**

Personal budget (PGB) is a valuable instrument for people with a lifelong, life-wide disability who want to take control of their care. In practice, however, it appears that budget holders must meet increasingly strict conditions for awarding and managing a personal budget and that the inadequate rates make it difficult to provide high-quality and reliable care.

DPOs urge the Committee to ask the government to reflect on the effectiveness of the PGB system in practice, in particular when it comes to the adequacy of the budget, and the extent to which the budget can be effectively converted into the required care, discouragement and administrative burden regarding (re)indications.

18. Personal mobility (art. 20)

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.

People with disabilities in centres for asylum seekers are entitled to mobility aids, but these are provided via support provision organisations that are contractually limited in the range of instruments they can offer to people in asylum centres. As a result of this, the quality is significantly lower.

People with disabilities who have received a rejection in the asylum procedure must also immediately hand in their mobility aid although they are still in need of it and still live in the Netherlands, for example because they are preparing for a new procedure.

DPOs request the Committee to ask the government how it ensures access to adequate support for people with disabilities in asylum seeker centres, and how it prevents situations in which rejected asylum seekers have to surrender their needed mobility aid overnight.

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

a. Please provide information on:

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

The Media Act includes minimum requirements for subtitling at public and commercial broadcasters, however audio description is not regulated by the Media Act.

DPOs request the Committee to ask the government how it plans to legally safeguard audio description.

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

Since 2022, the Netherlands Employee Insurance Agency (UWV) has interpreted the policy rules for allocating interpreting hours for private situations more strictly. As a result, interpreter users are allocated fewer interpreting hours, specifically during holidays abroad and when translating television programmes.

The interpreter shortage of Dutch Sign Language interpreters and written interpreters has been a problem for years, especially in rural regions. The government is not taking proactive measures to address the interpreter shortage or to properly identify what causes this interpreter shortage.

DPOs request the Committee to question our government about the reduction in interpreting hours for private situations.

DPOs request the Committee to ask the government what it does to identify the cause of the shortage of sign and written interpreters, and to resolve it.

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;**

In its response, the government addresses audio description but not the other WCAG criteria.

The government mentions the programme to make all governmental websites and apps accessible, on national and local level, without mentioning that based on its own monitoring only 3% of all the government websites and apps (over 10.000) are accessible.

DPOs request the Committee to ask our government to elaborate on the other means of communication mentioned by the Committee.

DPOs request the Committee to ask the government which actions are taken to increase the percentage of accessible governmental websites and apps and what the timeline is.

20. Right to privacy (art. 22)

Please inform the Committee about:

consultations conducted with organisations 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.

In its reply, the government fails to mention the development of legislation on the exchange of non-medical privacy sensitive data, which is highly relevant for persons who receive care or support from multiple domains. This approach is being developed in the Approach to Multiple Problem in the Social Domain Act (*Wet Aanpak Meervoudige Problematiek in het Sociaal Domein, WAMS*).

Also, it is unclear in the government's reply how it approaches medical (and non-medical) data outside the WZD and WVGZ, and concretely how it will implement the European Health Data Space, especially taking into consideration the situation of multi-problem families.

DPOs request the Committee to ask the government how the mandatory exchange of privacy sensitive data between care providers and care authorities, as will be stated in the WAMS, relates to the rights of persons with disabilities to privacy and data protection, as stated in the UNCRPD.

DPOs request the Committee to ask the government to provide information about the ways in which people with disabilities, especially multi-problem families and individuals, are taken into consideration for the implementation of the EHDS.

21. Respect for home and the family (art. 23)

a. **Please provide information on:**

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

The research to which the government refers shows several bottlenecks with legislation and regulations. In its response, the government focuses only on the changed age limit from 21 to 27 years. Young people aged 21 and older still receive lower benefits with when they live with their parents.

DPOs request the Committee to ask our government how the impact assessment of legislation and regulations on income and household sharing for people with disabilities is embedded in the amendment. And to ask the government what their plan of action is to solve the other bottlenecks found in research.

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;**

Individual contributions for care and support are recalculated in case of marriage or cohabitation based on the income and assets of the family. As a consequence, this personal contribution can increase from €28 per month to €900 per month if the partner has a paid job.

The government is making plans to charge a personal contribution for youth care, and to make the subscription rate of 19 euros per month for Social Support Act (*Wet Maatschappelijke Ondersteuning*, WMO) facilities income-dependent again, which will lead to financial problems, especially for people with middle incomes. Wlz personal contributions have traditionally been based on people with a serious disability living in an institution/the elderly. With shifts over the years and more emphasis on participating where possible and desirable, the amount of spending money that people have left, has not been adjusted.

DPOs request the Committee to ask our government if it plans to centrally finance facilities for people with lifelong and life-wide disabilities, and to reduce the own contribution and not to interlink the amount of the contribution to (family) income.

22. Education (art. 24)

a. Please provide information on:

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;

The Working Agenda for Inclusive Education 2035 maintains the dual education system. Specialised education will be further developed in consultation with sector councils.

DPOs urge the Committee to ask the government whether it strives to achieve completely inclusive education (and the abolition of the current dual system), and , to elaborate on themeasures it will take to realise this.

b. **Plans to recognise the denial of access to education in general schools for a child with disabilities as a form of discrimination;**

Children with a severe physical or mental disability are eligible for an exemption from compulsory education on the basis of Article 5a of the Compulsory Education Act. The number of exemptions granted on this ground has grown since 2017 by 51 percent (from 5,576 to 8,422 children in 2022). With this exemption, the right to education expires, and the care system takes over.

In the complex interplay between education and care, it is difficult to combine funding for education (support) with funding for care. There are educational care arrangements on an experimental basis. These require agreements between a broad range of actors; schools, education board partnerships, care organisations, municipalities and healthcare offices.

DPOs urge the Committee to ask the government if they would consider no longer separating care funding from education, thereby creating the conditions in which all funding follows support needs of children with disabilities to attend school.

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;

The approach to improving education from 2020 (Appropriate Education) does not reach the outlined objectives: there is a continued rise in numbers of children who are not registered at a school and do not have an exemption, an increase in the number of children going to special education, and growing waiting lists at schools for special education. In addition, it is unclear how the method of registering absenteeism can have a positive effect on absenteeism when this is caused by the lack of appropriate education.

DPOs request the Committee to ask our government how the current approach to absenteeism contributes to reducing absenteeism due to the lack of appropriate and inclusive education.

DPOs request the Committee to ask our government how it plans to reduce to zero the number of referrals to specialised education; the number of children sitting at home without education (or care) due to the exclusionary nature of the education system; and the number of children that are exempted from mandatory education because of their disability.

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;

The government does not address whether (initial) teacher training needs revising in light of the turn to inclusive education, nor how teachers in regular education can benefit from the expertise of the specialised education sector in the route to inclusive education.

DPOs request the Committee to ask the government how knowledge transfer from specialised to regular education will take place in the development towards inclusive education, and how it will provide adequate training for starting and existing teachers to attend to the needs of children with all types of disability.

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.

In its response, the government asserts that data on the age and gender of pupils in special education are privacy-sensitive, but this data is publicly available through the Inspection for Education.

DPOs urge the Committee to ask the government to provide all publicly available general data on the population of pupils that attend specialised education (for all four clusters of special education), specifically age, gender, migration background and socio-economic status. And it has an explanation for the overrepresentation of boys and children with migration background in special education.

23. Health (art. 25)

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.

In its reflection, the government focuses on the individual freedom of choice that the pregnant person has regarding prenatal screening, not on the basis of this policy in the medical model of disability and its (in)compatibility with the UN Convention.

DPOs request the Committee to ask our government what they mean by a 'values-free' counseling session, how this is guaranteed, and how this procedure relates to the values associated with the medical model and the social model of disability.

24.

b. Please provide information on measures taken to:

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

In its response, the government provides information about the waiting list development. It does not describe measures being taken to reduce waiting times for healthcare.

DPOs request the Committee to ask our government again about its measures to reduce waiting times.

25. Work and employment (art. 27)

a. Please provide information on:

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;

The different monitoring regimes on specific regulations make it difficult to draw conclusions on the effectiveness of different regulations on the total group of persons with disabilities on the labour market.

DPOs request the Committee to ask the government to explain the correlation between the data on specific regulations and the overview of employment participation of 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;**

DPOs request the Committee to ask why the goals of the stimulative instruments like sheltered employment and the Jobs Agreement are not met, despite scarcity at the labour market, and to inform the Committee about its plans after 2026.

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

DPOs are concerned that the 15% waiver is too low to effectively compensate the salary of people with disabilities who cannot work fulltime, meaning that they will not be able to earn the minimum wage per month.

DPOs request the Committee to ask the government how it guarantees that people with disabilities who earn an income below minimum wage receive adequate compensation, at least to the minimum wage threshold.

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

- b. **Please provide information on measures taken to:
Tackle the income inequality faced by persons with disabilities;**

People with disabilities experience multiple difficulties with these regulations, because of the complexity and how these regulations interfere with one another.

DPOs request the Committee to ask the government to reflect on the effectiveness of the measures that are taken to lower income-inequality.

C. Specific obligations (arts. 31–33)

29. Statistics and data collection (art. 31)

a. Please inform the Committee on:

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 organisations 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;

The Broad Prosperity Monitor researches the progress in various areas of life annually, but unfortunately does not include disability.

The RIVM monitor was supposed to be updated, with the involvement of DPOs. However, this development was paused during the development of the National Strategy.

The government indicates that there is no clear overview of data in the Caribbean Netherlands and that the need for quantitative data is less present. It remains unclear whether and in what way structural collection of qualitative data is organised and in what way DPOs in the Caribbean Netherlands are involved.

DPOs request the Committee to ask our government if it plans to expand the Broad Prosperity Monitor with data on people with disabilities and to break it down by age, gender and ethnicity.

DPOs request the Committee to ask our government how (qualitative) data on poverty, violence, employment, migration status and participation in various areas of life in the Caribbean Netherlands are or will be collected, reported and disseminated, structurally involving Caribbean DPOs.

30. International cooperation (art. 32)

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 to the European Structural and Investment Funds and the 2030 Agenda for Sustainable Development.

There are no structural measures in place for the participation of DPOs in the overall planning and monitoring of activities undertaken by the Ministry, in relation to the implementation of the SDG Agenda 2030, European Structural and Investment Funds, or any of the other funding mechanisms for international development cooperation and trade. Overall, less than 2% of Dutch Overseas Development Assistance funding is being spent on disability inclusive programmes.

DPOs request the Committee to ask the Dutch government how it monitors its own project-funding in international cooperation, humanitarian action and trade, in order to measure how disability inclusive these projects are across all departments of the Ministry of Foreign Affairs.

31. National implementation and monitoring (art. 33)

b. Please provide information on:

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

The government's response lacks specific attention to the involvement of representative organisations of people with disabilities from the Caribbean Netherlands, for example in the national strategy for people with disabilities.

The DPOs request the Committee to ask our government what measures it is taking to ensure full and effective participation of organisations of people with disabilities in the Caribbean Netherlands.