

The Netherlands Disabled Person's Organizations Report on the CRPD in the Netherlands

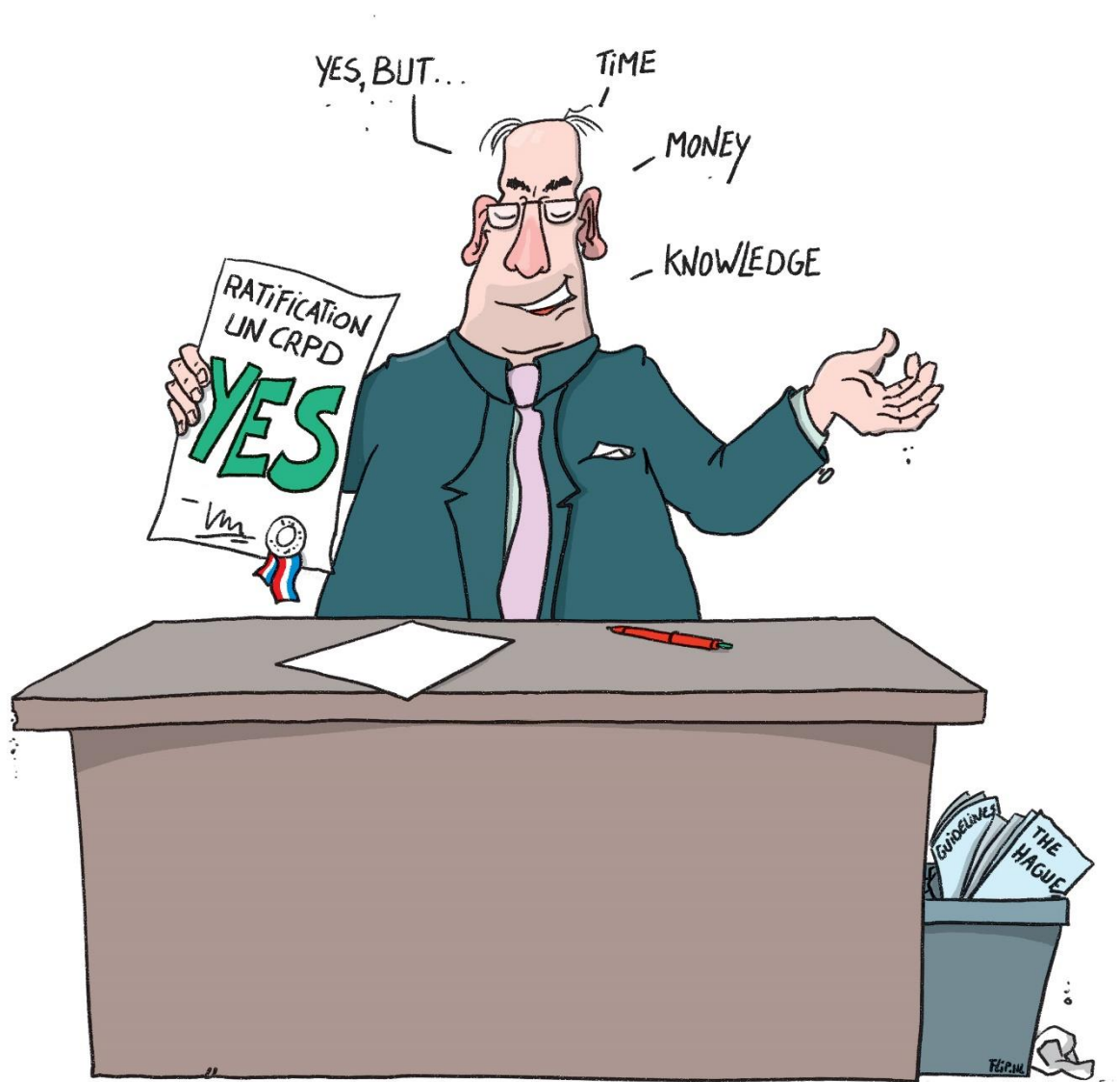


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Executive Summary

The Alliance for the Implementation of the CRPD consists of Disabled People's Organizations (DPOs): Ieder(in)¹, MIND Landelijk Platform GGZ², Per Saldo³ and LFB⁴ and works closely with the Coalitie voor Inclusie⁵. The Alliance advocates for implementation of the Convention, is the official partner in dialogue with the government on issues related to the Convention and is involved in making implementation plans. At the request of the Alliance, umbrella DPO Ieder(in) prepared this alternative report in order to reflect the situation of persons with a disability in the Netherlands (including the Caribbean parts of the Kingdom), so that the CRPD Committee can determine the extent to which the rights contained in the Convention have been implemented and are respected.

The primary purpose of this report is to provide the CRPD Committee with additional information in order to contribute to and deepen the dialogue between the Committee and the Dutch government about implementation of the Convention in the Netherlands. This is the first report of DPOs in the Netherlands. This report follows the reports of the government (July 2018) and the Dutch Human Rights Institute (December 2018) which is the monitoring body for the Convention in the Netherlands. We hope that this report can serve to set a baseline measurement of implementation of the Convention and therefore we report on all Convention articles (1 through 33). We pay greater attention to the articles that are the most urgent for us.

The experiences and knowledge of disabled persons guide this report. This means that in addition to an extensive literature study and consultation with members of disabled persons organizations (DPOs), we have also conducted several group interviews with people who are more difficult to reach or are less likely to be consulted.⁶ We have also prepared an analysis of reports made by disabled people to a UN-listening post and we sent a survey to all of the DPOs under the umbrella of DPO Ieder(in) to which more than 600 people responded in a very short period of time.⁷ In September 2019 we held a consultation session with the same organizations that had been consulted by the Dutch government in the Spring of 2018 as part of the initial report preparation by the Dutch government.

In this alternative report we formulated recommendations for almost each article. These recommendations will form the basis for the List of issues which we will prepare on the basis of this report, including updates given the fact that there is a time lapse between the making of this report and the moment the state report will be on the agenda at the Committee in Genève.

EDF and IDA will be guiding us in the process of making the list of issues, together with several organizations who contributed to this report, guided by their European umbrella-organizations.

We would like to thank all individuals and organizations that contributed to this report. Individuals who gave us the trust of sharing their own personal experiences in daily life. And organizations who shared their national and international knowledge on policy regarding people with disabilities and the shared experiences of their individual members.

Also we would like to thank the Dutch ministry of health, welfare and sports for their financial contribution to make this report possible.

Articles 1 - 4 General Principles

1-4.1 The Dutch language does not have a clear definition of 'disability.' In Dutch the term 'handicap' is used and is seen as a limitation or impairment located in the person, without reference to or consideration of the environment. This follows the medical model of disability and complicates acting in conformity with the CRPD. One thinks in terms of charity, privilege, cost containment rather than in terms of rights and how to facilitate full participation in society.

1-4.2 Dutch sign language is not recognized as an official language. This complicates the lives of people who are deaf and hard of hearing. Subtitling is not generally available.⁸ The same is true for Braille.

1-4.3 The general requirements of Article 4 are insufficiently followed in law and policymaking:

1-4.3.1 No anti-discrimination law applies in the Caribbean parts of the Netherlands.⁹ Residents of Bonaire, St. Eustatius and St. Maarten cannot appeal to anti-discrimination law applicable in the European part of the Kingdom. Disabled residents report they have no legal recourse for failure to provide services or make accommodations and experience this as a barrier to implementation of Convention rights.

1-4.3.2 The provision contained in Article 2a of the Dutch Equal Treatment Act to gradually promote 'general accessibility', is a requirement of effort (as opposed to achieving a result) and has no significance in practice to date.¹⁰ What Article 2a requires is unclear and unenforceable.

1-4.3.3 The term 'universal design' does not appear in government policy documents and is not applied in practice, let alone required to be taken into consideration in building design, with respect to goods and services and communication materials used by government. The government does not invest in research into how 'universal design' can be applied in Dutch society.

1-4.3.4 No systematic CRPD test for new legislation and regulations exists. Legislative history accompanying new legislation sometimes contains a short reference to the CRPD indicating that the law satisfies its requirements, but fails to describe how. Such references are not careful considerations of what the Convention requires.

1-4.4 Progressive realization of the rights laid down in the CRPD is hindered by government failure to set concrete and measurable goals. Without such goals, resources cannot be made available in a systematic fashion and it is impossible to measure the degree of implementation of the Convention.

1-4.5 The implementation plan 'Onbeperkt meedoen' as well as the Accessibility Decree have broadly-formulated and difficult-to-measure aims.

1-4.6 The Accessibility Decree appears to hamper the imposition of clearly formulated accessibility requirements for the built environment. The Decree explicitly prohibits new accessibility requirements from going beyond what was laid down earlier in existing rules and regulations.

1-4.7 Since decentralization in 2015 municipalities play a large role in implementing the CRPD. Municipalities are legally required to adopt an 'inclusion agenda'. 75% of municipalities has not done so. Municipalities are free to formulate an inclusion agenda according to their own aims. Some focus on only a few domains and not specifically for persons with a disability.¹¹ Persons with a disability and their organizations are often not included in local policymaking.¹²

Recommendations

- Require policymakers and administrative officials to get training in 'disability awareness' in which self-advocates and disabled persons explain what the human rights model of disability requires. Make clear that disability is only one aspect of identity, along with other aspects, such as gender, age, cultural background, national origin, nature of disability and sexual preference.
- Require setting measurable aims for progressively realizing implementation of the Convention, including a baseline of requirements and the quantitative progress aimed for in a defined period of time, and a public monitoring mechanism.
- Transform the general accessibility requirement imposed by Article 2a of the Dutch Equal Treatment Act into a result requirement to make it possible to measure whether an organization is improving the

position of disabled persons. This requires a definition of accessibility.

- Recognize Dutch Sign Language as an official language so that hearing disabled people get recognition for their identity and language ability.
- Require subtitling for informational, learning and entertainment productions in the public domain.
- Make information available in Braille.
- Take initiative in the Caribbean parts of the Kingdom (BES islands) and work with DPOs and local authorities to develop implementation plans, including legal possibilities for lodging discrimination complaints.
- Organize and develop a model based on an analysis of General Comment 7 (and provide for translation into the Dutch language) so that disabled persons and their organizations can more effectively participate in policy-making processes.

Article 5 Equality and non-discrimination

5.1 The equality protection in article 1 of the Dutch Constitution does not name disability as a ground of prohibited discrimination. The government announced an intention to add disability to Article 1 in 2017, but has not yet taken action to do so.

5.2 Policy makers, governmental and advocacy organizations do not address disability discrimination and intersectionality. Little is known about how people from marginalized groups experience disability in the Netherlands.

5.3 The Dutch Equal Treatment Act prohibits direct and indirect discrimination in the areas of employment, education, housing, public transportation and provision of goods and services. Actions of government officials are excluded from its scope, making it impossible to challenge discriminatory actions by municipal employees.

5.4 An exception to the anti-discrimination prohibition in the Dutch Equal Treatment Act¹³ is made for special education.¹⁴ Special education is not seen as discriminatory, which is difficult to justify in light of the CRPD and General Comment 4.¹⁵

5.5 Under the Youth Disability Act an employer can pay a disabled employee that is at least 25% less productive than others, at least 25% less than the national minimum wage.¹⁶ This results in unequal pay on the basis of disability.

5.6 Disability discrimination complaint opportunities are ineffective. Many disabled persons find it difficult to lodge a complaint with the Netherlands Institute for Human Rights. Disability discrimination complaints are often rejected due to difficulties in effectively formulating a complaint as based on disability.¹⁷ People fear negative repercussions. Decisions of municipal decision makers are not subject to review by the Institute for Human Rights, leaving users of municipal services with little recourse other than to administrative complaint procedures. The Dutch criminal code contains provisions for prosecuting disability discrimination, but these possibilities are not well known and rarely prosecuted.¹⁸

Recommendations

- Ratify the CRPD Optional Protocol.
- Turn the 'effort' requirement of Art 2a Equal Treatment Act into a 'result' requirement.
- Eliminate the discrimination exception for special education in the Equal Treatment Act.
- Expand complaint possibilities of the Human Rights Institute to examine complaints of discrimination by municipal decision makers.
- Amend Article 1 of the Constitution to include disability as a ground for protection against discrimination.
- Eliminate wage compensation rules that allow payment below the minimum wage.

Article 6 Women with disabilities

6.1 The risk of poverty and social exclusion for women with a disability rose from 21.1% in 2012 to 24.9% in 2016.¹⁹ The risk of poverty and social exclusion is higher for disabled women than for non-disabled women.

6.2 Unemployment among disabled women went up from 7,8% in 2012 to 10,7% in 2016.²⁰ Disabled women are more than twice as likely to be unemployed as non-disabled women.²¹

6.3 Disabled women's employment participation went up from 52,8% in 2012²² to 54,7% in 2016.²³ Their employment participation is significantly lower than that of disabled men.

6.4 Disabled women are more often sexually assaulted than non-disabled women and disabled men.²⁴

6.5 Access to healthcare is difficult for homeless women. The number of homeless people has risen sharply in the past decade, especially due to an increase in homelessness of persons with a mental health disability or intellectual disability.²⁵

6.6 No organization exists which advocates for disabled women or for disabled women of color in particular. This particular focus would be beneficial to women with a disability.²⁶

Recommendations

- Stop using a gender-neutral perspective when formulating disability policy and measures so that the impact on disabled women becomes visible and can be addressed.
- Test all income and employment measures for indirect gender discrimination.

Article 7 Children with disabilities

7.1 Approximately 375,000 children and adolescents have a disability or chronic illness in the Netherlands.²⁷ Access to adequate youth services and ambulatory care, support and respite care has deteriorated since ratification of the CRPD.²⁸ This is due to the decentralization of youth services to municipal government.²⁹ Decentralization was not accompanied by clear aims, policy guidelines or adequate resources. Municipal governments serve a larger group of children and provide fewer services and support for disabled children. A comprehensive evaluation of the Youth Law in 2018 describes the devolution of responsibility for care services to municipal governments.³⁰ It is much harder for caretakers to access care services.³¹ Parents of disabled children report difficulties in getting specialist support.³² The Youth Law is premised on the medical model, emphasizing recovery, prevention, the 'personal strength' and 'problem-solving capacity' of children and parents, failing to recognize the nature of life-long and far-reaching disabilities and ongoing need for support.

7.2 Several thousand children in the Netherlands are not enrolled in school due to disability. The majority of disabled children attends a school for special education. (See Article 24.)

7.3 Child victims of sexual abuse, especially girls, are often placed in closed facilities,. A considerable percentage of children in closed care facilities has a mild or more severe learning disability.³³ The UN Committee for the Convention against Torture has expressed concern about the treatment of children in closed facilities.³⁴

7.4 Hearing-impaired children who do not learn Dutch Sign Language (SLN) as infants retain a lifelong deficit in language skills, development and participation in society as a result.³⁵ Hearing parents do not receive support for learning and offering SLN to their hearing-impaired child. This is aggravated by the lack of recognition of SLN.³⁶

7.5 Children in the care system are insufficiently protected against abuse. Children in foster care and closed facilities are more often subjected to forms of abuse. Personnel is insufficiently trained to provide adequate protection.³⁷

7.6 The right to healthcare is insufficiently protected for disabled children living in refugee centers.³⁸

Recommendations

- Adopt the human rights model of disability in youth policy and recognize the right to lifelong and comprehensive support.
- Adopt the recommendations made by Commission de Winter³⁹ about the child and youth care system, paying special attention to disabled children.
- Prohibit placement of disabled children in closed care facilities.

Article 8 Awareness Raising

8.1 Despite government-sponsored awareness campaigns, disabled persons continue to experience prejudice and stigmatization. Persistent stereotypes need to be addressed, such as the view that disabled persons are 'dangerous' or 'threatening' and that inclusion is 'burdensome' to society because it is expensive. Awareness-raising campaigns have failed to change these views, perhaps because they often use stereotypical images of disabled persons. There is no policy to prevent use of disability stereotypes by media.⁴⁰

8.2 The human rights approach to disability is needed to address stigma as a matter of discrimination. Disabled people themselves often do not know that they can address discriminatory treatment by filing a complaint with the Institute for Human Rights.

8.3 Recognizing disability as an aspect of human diversity is an important aim. Government can promote recognition of disability as diversity in a variety of channels such as media, employment market, with respect to housing, care, education and in youth services.

8.4 Successful awareness-raising requires involvement of disabled persons and DPOs, using disabled persons to design awareness-raising campaigns and to train professionals.

Recommendations

- Promote research into the link between stigma and discrimination, and how negative stereotyping can lead to discriminatory behavior.
- Facilitate development and provision of ongoing training in the human rights model of disability and CRPD principles for government employees, judges, lawyers, architects, designers, educators and others who provide services used by disabled persons.
- Develop a way to screen media for negative images of disabled persons and provide training and educational material about the negative effects of stereotypical images.
- Promote the use of disabled persons in public media as actors, speakers, columnists, news readers.

Article 9 Accessibility

Accessibility and the built environment

9.1 Regulations containing accessibility requirements are set out in the national Building Decree⁴¹ which is not in conformity with the Convention as it does not enable disabled persons to make independent use of an entire building.⁴² In 2016 government intended to weaken the accessibility requirements of the Building Decree.⁴³

9.2 Beyond their common spaces, no accessibility requirement applies to homes and apartments other than a mandate to make thresholds in new buildings no higher than 20 millimeters. Government rejected the introduction of new accessibility requirements for new apartment construction after a study indicated that 75% of potential homebuyers are non-disabled and not interested in the accessible variant.⁴⁴

9.3 Mandatory outdoor space for homes designed to give extra support was scrapped from the Building Decree in 2015. This discrimination relative to other homes has not been remedied.⁴⁵

9.4 There are not enough accessible public toilet facilities for persons requiring toileting in a horizontal position.

9.5 Persons with visual and other disabilities report that the 'shared spaces' often designed for the public domain do not feel safe because there is no dividing line between sidewalks, crosswalks and bicycle and automobile thoroughfares.⁴⁶ Disabled people report avoiding going out in public spaces for fear of being run over.⁴⁷

Accessibility of Media and Public Communication

9.6 The Media Law requires that 95% of public and 50% of commercial television programming be subtitled for persons with a hearing impairment⁴⁸ The quality of subtitling is often poor.⁴⁹ There is no legal requirement for sign language interpreting in news reporting and government communication. Deaf people experience that sign language interpretation or speech-to-text services are often unavailable at government service windows, courts and other important public services. A person needing such assistance is expected to arrange it themselves. People have to insist on service, and the right to sign language interpretation is limited.⁵⁰

9.7 Telephony, including the national emergency number 112, is made accessible for persons with hearing or speech impairments via a text and imaging service. It is possible to send messages via a special app or to engage a sign language interpreter for telephone conversations. This service is free for people with a referral. Persons with a stutter are not granted a referral for this service.⁵¹ Websites of businesses that provide goods and services (such as web-shops, energy companies etc.) are not accessible.⁵²

Public transportation

9.8 Goals for making public transportation more accessible were set in 2011.⁵³ All train-, bus-, tram- and metro stations were to be made accessible. The goals have not yet been realized⁵⁴ and a significant number of stops are not accessible. Platforms in stations which were made accessible are often not level with trains. Disabled travelers can reserve help with boarding, but such support is available at only 25% of the train stations.⁵⁵ According to current planning all train stations will not be accessible until 2030, and trains not until 2045! Bus transportation is often inaccessible. Bus drivers regularly drive by without stopping, sometimes refusing to provide assistance, and lifts often do not function. A Human Rights Institute study confirms these reports.⁵⁶

9.9 In public transportation calls for tender by provincial and local governments, accessibility requirements are allowed to be less stringent than required by national government. A complaint to the Human Rights Institute about lack of services in trains was rejected because such services had not been included in the conditions of tender.⁵⁷ Municipalities and provinces are supposed to include accessibility requirements in their calls for tender, but national government does not monitor compliance.

9.10 Training programs for architects and designers use a handbook about accessible building and design⁵⁸ but nowhere is the theory required to be applied in practice.^{59, 60} Accessibility is not a required element of training programs in building construction, engineering, transport, telecommunication or IT.

Recommendations

- Develop indicators for the building sector to make it possible to see how many old and new buildings are accessible.
- Adopt national accessibility requirements for new dwellings.
- Make stricter national accessibility requirements for all new public buildings.
- Adopt national accessibility requirements in renovation permits for all existing buildings that are publicly accessible.
- Adopt national guidelines for realization of Convention obligations where devolution of responsibilities affects accessibility.
- Conduct a systematic, national investigation with technical experts and self-advocates to explore how accessibility and user-friendliness can be effectively improved for diverse disabled users of the digital media, the built environment, transport and leisure infrastructure. Make their findings available in an accessible manner. Require that this knowledge be used in all public procurement.
- Require ongoing consultation about accessibility and user-friendliness for disabled persons with self-advocates in professional training programs in relevant sectors.
- Because lower levels of government and industry control the design, tendering, and granting of building permits, public transportation, design of public spaces, roads and public events, it is critical that national government establish minimum requirements, coordinate policy and monitor results and compliance.

Article 10 Right to Life

10.1 Parents report that national prenatal screening can lead to feelings of social pressure to abort if screening tests positive for Down Syndrome.⁶¹

10.2 It is possible under Dutch euthanasia law to conclude that persons with a severe disability meet the requirement of 'hopeless suffering',⁶² or that persons with intellectual disabilities can justifiably choose to end their life. Research of euthanasia cases among persons with an intellectual disability and with autism reveals that doctors had little time to speak with the person requesting euthanasia to determine if necessary requirements were met.⁶³

Recommendations

- Ensure that accessible information is provided to expectant parents offered prenatal screening which expresses that having a disability in itself says little about how quality of life is experienced.
- Give expectant parents an opportunity to make informed choices. Among treatment options, carrying the pregnancy to full term should be the first option proposed.
- Instruct physicians that having a lifelong disability such as an intellectual disability or autism, does not meet the euthanasia criterion of 'unbearable and hopeless suffering' and is therefore not a reason in itself to grant a request for euthanasia.

Article 11 Situations of Risk and Humanitarian Emergencies

11.1 Crisis communication is not well-organized. After a deadly shooting in 2019 in Utrecht, people with a hearing impairment were not informed of the danger as sign language interpreters are not standard with televised news. No interpreter or subtitling was provided to translate the crisis situation in news reports.⁶⁴

11.2 Alarm number 112 is not fully accessible.⁶⁵ The alarm number is interruption-sensitive if called with Total Conversation⁶⁶ and the number is not available 24/7 in sign language.⁶⁷

11.3 Insufficient attention is paid to the situation of disabled persons in evacuations and emergencies. This includes a lack of escape routes for persons who are less mobile, emergency exits that cannot be seen by visually impaired persons and a lack of signaling for hearing-impaired persons.

11.4 A positive example of effective crisis communication is NL-Alert, where the Ministry of Justice actively involved persons with a disability in development from the start.

Recommendations

- Require sign language interpretation in all national news transmission and crisis communication.
- Improve alarm number 112 to make it stable, available 24/7 and accessible to disabled persons, including those with a speech impairment.
- Require safe emergency exits for emergency situations that are accessible to disabled persons.

Article 12 Equal Recognition Before Law

12.1 The Netherlands made an interpretive declaration for Article 12 to be able to limit legal capacity and impose involuntary measures.

12.2 The imposition of a form of guardianship – curatorship, control of finances or mentorship – limits legal capacity as a matter of law.⁶⁸ Supported decision making is not required.

12.3 Terms such as incapacity, incompetence and lack of will derive from a medical model approach and are required in laws for disabled persons to get support to express their personal wishes.

12.4 Disabled persons can experience a form of guardianship as burdensome, an infringement of liberty. Intellectually disabled persons living in institutions express feeling burdened by being under guardianship.⁶⁹

12.5 The Compulsory Mental Health Act and Care and Compulsory Treatment Act were both enacted after CRPD ratification. It is unclear if the bills were tested against the CRPD.

Recommendations

- Withdraw the interpretive declaration for Article 12.
- Involuntary forms of guardianship, financial control and mentorship should be repealed, and appropriate support offered that is in line with the will and wishes of the person. Invest in supported decision-making and anchor it in law.
- Stigmatizing terms such as ‘incapacity, incompetence and lack of will’ should be replaced by terms that aim at inclusion, in line with the CRPD.
- A distinction in terminology is needed between voluntary measures and those that are imposed against the free will of the person.
- Amend the Compulsory Mental Health Act and Care and Compulsory Treatment Act to conform to the CRPD.
- Enact a moratorium on new involuntary measures and make funding available for provision of appropriate, individually-tailored support.
- Give self-advocates a key voice in innovating new forms of supported decision-making.

Article 13 Access to Justice

13.1 There are concerns about the position of disabled persons in criminal proceedings, including a lack of support, such as the use of a sign language interpreter and lack of accessible information.⁷⁰

13.2 The Human Rights Institute can take a case to civil court for judgment about whether given behavior violates the Equal Treatment Act but has done so only once.^{71 72} Disabled persons reported in interviews little familiarity with the Human Rights Institute and reluctance to complain about discrimination for fear of losing their complaint and being labeled ‘unduly burdensome.’

13.3 Parents of disabled children make relatively little use of administrative and civil complaint procedures due to unfamiliarity with the processes and lack of resources for an attorney, but above all for fear of further jeopardizing their child’s already vulnerable position at school.⁷³

13.4 Intellectually disabled persons living in institutions who suffer abuse do not report this to police or care providers.⁷⁴

Recommendations

- Make independent client support available so that disabled persons receive support in lodging a complaint or going to court.
- Encourage the Human Rights Institute to actively use its authority to challenge disability discriminatory acts and policy in courts of law.
- Facilitate training of judges, lawyers and legal staff of complaint boards and helpdesks about

Convention rights and obligations.

Article 14 Liberty and security of the person

14.1 The Netherlands made an interpretive declaration concerning Article 14 that involuntary care is justified as an *ultimum remedium*, arguing that coercion is in line with jurisprudence and recommendations of the Council of Europe, such as the recent Council of Europe – Draft Additional Protocol to the Oviedo Convention, which has been criticized by the UN Committee as incompatible with the Convention.

14.2 The Compulsory Mental Health Act and Care and Compulsory Treatment Act permit interventions against the explicit wish of the person in question, including liberty-depriving measures like involuntary committal, isolation rooms, fixation and invasive treatments such as forced medication, forced electro-shock therapy and involuntary anti-conception.

14.3 The Compulsory Mental Health Act and Care and Compulsory Treatment Act make it possible to mandate ambulatory care outside of an institution, coupling conditions and requirements with the right to free movement and participation in society. Warning signals have been made about far-reaching consequences, such as being imprisoned in one's own home.⁷⁵

14.4 Involuntary committals to psychiatric facilities have doubled in recent years.⁷⁶ The number of emergency committals, involuntary committals and judicial orders for committal increased,⁷⁷ especially among senior citizens and persons with a psycho-social disability.⁷⁸

14.5 Alternatives to coerced treatment are possible but not mandatory. A number of psychiatric institutions made a pact in 2016 to eliminate isolation from 2020 on.⁷⁹ Half achieved a reduction in isolation. Due to personnel shortages isolation increased in 25% of the institutions.⁸⁰ The government stopped financing policy to reduce coercion and has left the issue to care providers to address.

14.6 Government safeguards⁸¹ to prevent abuse and arbitrariness in restrictions of personal freedom are insufficient.⁸² The new legal framework is broadly formulated with the argument that it is now possible to deliver 'personally tailored coercive care'.⁸³ Fixating elderly patients and persons with intellectual, complex or multiple disabilities is possible under the Care and Compulsory Treatment Act, also in the home (without supervision or control). No figures are available for how often these practices occur.

14.7 Victims of involuntary treatment have no effective channels for objecting to coercive measures due to the prevailing view that coercion is a 'necessary evil.' Resistance to it is seen as natural, and not as a signal, and is treated as something that will go away as time passes or as the patient develops insight into their illness.

14.8 Coercive measures are based on subjective judgments such as anticipation of 'future danger to him/herself or others.' The danger criterium requires causality, showing that danger stems from the disorder. Disability plays an indirect role and is a form of disability-based discrimination.

Recommendations

- Withdraw the interpretive declaration for Article 14.
- Instruct the Dutch delegation to the Council of Europe to stop support of further drafting of Council of Europe – Draft Additional Protocol to the Oviedo Convention, and instead to implement the Convention on this point.
- Amend the Compulsory Mental Health Act and Care and Compulsory Treatment Act to satisfy Convention requirements.

- Initiate an action plan to ban involuntary treatment, isolation and fixation in line with the Convention. Require all institutions to follow the action plan.
- Give self-advocates a key voice in innovation.

Article 15 Freedom from torture cruel, inhuman or degrading treatment

15.1 Involuntary treatment (involuntary committal, isolation, fixation) and invasive treatment (forced medication, -electroshock therapy, -anticonception) in response to a care need is a form of torture and cruel, inhuman or degrading treatment, as set out in the UN Convention against Torture (CAT), Article 1.⁸⁴

15.2 The CAT Committee has recommended the Netherlands take measures to improve the situation of children in closed youth facilities.⁸⁵ Affected are also disabled children and victims of sexual abuse. The Committee's recommendation has yet to be implemented.

15.3 The CAT Committee recommended that the Netherlands develop alternatives to involuntary confinement of psychiatric patients and work on statutory guarantees. Admission to facilities should be made more flexible and the human rights of patients protected. These recommendations have not been fully implemented.

15.4 The UN Committee on Human Rights recommended that the Netherlands provide for legal measures to guarantee the rights of psychiatric patients, provide training in the use of involuntary measures and institute complaint procedures and independent monitoring by an independent agency.⁸⁶

15.5 Government has taken insufficient action to ban the use of coercion and new laws have increased the options for imposing involuntary treatment.

15.6 Care providers vary greatly in the degree to which they use isolation measures.⁸⁷ These differences cannot be explained by differences in patient population or personnel shortages and appear to result from policy choices by the provider. Some care providers do not invest enough in alternatives to coercion and isolation. These are not measures of last resort – the criterium justifying use of coercion – but the use of coercion for operational purposes.

15.7 'Disruptive behavior' can lead to the use of coercive measures that personnel on duty apply without a court order. Fixation occurs in institutions and under the new Care and Compulsory Treatment Act can also occur in a person's home (without control). No figures are available for how often and widespread such practices occur.

Recommendations

- Withdraw the interpretive declaration.
- Devise an action plan to ban coercive measures. Organize and finance care and support as alternatives to coercion or involuntary treatment.
- Ensure effective avenues for complaints, registering problems and suggestions for ways to improve.
- Prioritize the most vulnerable groups, including children, elderly and persons with complex and difficult to understand behavior.

Article 16 Protection from Violence and Abuse

16.1 Violence against intellectually disabled persons is widespread. In a recent study more than 60% of women with an intellectual disability interviewed experienced (sexual) abuse in an institutional care setting.⁸⁸

16.2 There is a lack of structural attention to social safety issues for disabled persons at the national and municipal government levels.⁸⁹ There is awareness of the risk of sexual abuse but in policy there is no specific attention for disabled women. Government position papers on care for disabled persons fail to draw a link to social safety issues.

16.3 Child victims of sexual abuse are often placed in closed care, especially if the victim is a girl. A significant number of children in closed care facilities has a mild or more severe intellectual disability.^{90,91}

16.4 Persons with mild intellectual disabilities are susceptible to human trafficking and exploitation. Girls are more often victims of sexual exploitation than boys.⁹² The number of persons with a mild intellectual disability victimized by exploitation or violence is on the increase.⁹³

16.5 An investigation of youth care reveals that children placed outside the home are often placed in unsafe situations and that deaf and blind children are more often victims of violence and abuse.⁹⁴

Recommendations

- Shut down closed youth care facilities.
- Develop policy to prevent disability abuse.

Article 17 Integrity of the person

17.1 The Compulsory Mental Health Act and Care and Compulsory Treatment Act make it possible to apply forced measures in and outside of care facilities, including the private home, depriving persons of their liberty.

Article 18 Freedom of movement and nationality

18.1 Disabled persons are limited in their freedom of movement as a result of enormous differences and availability of services among municipalities and also due to a lack of available housing.⁹⁵

18.2 The interests of disabled children living in refugee centers are insufficiently protected in asylum proceedings and regarding their care and accommodation.⁹⁶

Article 19 Living independently and being included in the community

19.1 Personal care and support for children and adults with relatively mild support needs were decentralized in 2015 from national government to municipal governments.⁹⁷ The statutory task given to municipalities is to provide disabled residents with the care they need to be able to participate in the community and receive support at home.⁹⁸ Two million residents (23% of all households) make use of such care and support.⁹⁹

19.2 Municipal governments were given two years and 12.5% less financing to realize the aims national government had funded prior to 2015.¹⁰⁰

19.3 Municipal governments use complicated qualifying procedures for care applications. Research shows that a quarter¹⁰¹ to half¹⁰² of those requesting assistance (especially persons with an intellectual disability and psychological problems) have great difficulty with the procedures for assistance.

19.4 Municipal governments grant support and care on the basis of the medical model. Information given to residents and personnel often presents an image of needy, often elderly persons who can do very little and are lonely and dejected. While it is legally possible to use personal assistance to gain paid employment, to study or to become politically and socially active, disabled people do not feel that they receive personal assistance for

these purposes.¹⁰³ Municipalities also pay little attention to factors that can be important for being able to live independently, such as affordable suitable housing, adequately-funded personal budgets, support for building a social network, decreasing stigmatization of people with psycho-social problems and effectively reducing the burden of family members who provide care.¹⁰⁴

19.5 Municipalities pay little attention to young disabled people who wish to leave home and live on their own.¹⁰⁵ Parents report a shortage of supported living options and the ambulatory support available is not always an appropriate alternative.

19.6 Municipalities can provide care and support in the form of a personal budget so that people can make their own arrangements and be less dependent on formal care providers contracted by the municipality. Municipalities set such strict conditions and such low payment rates for personal budgets that users feel discouraged from applying for personal budgets.¹⁰⁶ The number of personal budget holders declined between 2015 and 2017.¹⁰⁷

19.7 There is a shortage of affordable and accessible housing for disabled people.¹⁰⁸ Municipalities are required to make concrete housing plans with housing corporations.¹⁰⁹ In 2018 only 6% of the agreements between municipal governments and housing corporations named 'disabled people' as a target group.¹¹⁰

19.8 The Human Rights Institute monitors developments surrounding the right to independent living. In 2016 41% of persons with a mild to moderate intellectual disability and 6% of persons with a severe psychiatric disability had chosen themselves where they lived.¹¹¹

19.9 A group of approximately 300,000 disabled people does not qualify for municipal support and must move into an institution.¹¹² The number of disabled people younger than 65 living in institutions has increased.^{113, 114, 115}

19.10 Financing of institutional care is based on group living and residents receive primarily group support in settings for between eight and 30 residents. Residents usually have a sitting/bedroom and share a common living room. Characteristic of institutional care is that residents give up privacy and personal liberty to follow organizational routines.¹¹⁶

19.11 DPOs report that persons with an intellectual disability are often lonely and have few meaningful relationships, regardless of whether they live in community or in an institution.¹¹⁷ They receive very little guidance in having meaningful activities and receive mostly basic care. Reported is that intellectually disabled persons living in an institution have to pay an hourly contribution of €35-€40 for an attendant for an activity outside the institution.¹¹⁸

19.12 Two alternatives exist for institutional care in the Netherlands: a personal care budget (abbreviated as 'pgb'), where the applicant receives a budget to arrange personal assistance themselves, and the 'complete package at home' (abbreviated as 'vpt'), in which care is provided in a person's home. Of all adults receiving care under the Long-term Care Act, 7,7% choose for a pgb and 4,8% for a vpt.¹¹⁹ Budgets for a pgb and vpt are based on the financial norms for group living, often falling short for independent living.

Recommendations

- Build more affordable and accessible housing for disabled people.
- Make more personal support available for disabled people aimed at meaningful participation in community activities.
- Make municipalities aware of their responsibility to develop support in line with the human rights model and to place support in a broader framework of working toward an inclusive society and meaningful participation.
- Develop a policy of deinstitutionalization. This means dismantling institutional care, expanding vpt and

pgb budgets, monitoring the closure of institutions, investing in small scale community care and making sufficient personal attendants available.

- Make income-dependent contributions and individual support dependent on individual income and not on household income.

Article 20 Personal mobility

20.1 Municipalities offer local transportation facilities to disabled people. National wheelchair taxis and regional transport are available with a standard budget of 700 kilometers per user per year. Taxi's make combination rides, often arriving late, leading to long waits, late arrivals at school and work.¹²⁰ The only complaint avenue is to the transport company itself, which does not lead to an improvement in services.

20.2 Municipalities provide transportation only to the closest available school for special education, sometimes refusing to arrange transportation to a school of choice farther away.

20.3 In less densely populated parts of the Netherlands, municipalities and provincial government replace public buses with buses driven by volunteers. Volunteers are not permitted to transport a wheelchair. Wheelchair users are then forced to use special taxis for which a maximum kilometer budget per year applies.¹²¹

20.4 Quality and choice amongst assistive, wheeled and seated mobility devices is limited. Electric wheelchair users report that quality is often poor and weeks or months of waiting for repairs due to the limited number of suppliers available. Municipalities select suppliers of adapted transportation and assistive devices via public tenders, leading to price wars between suppliers that lowers the quality of services.

Recommendations

- Ensure the involvement of DPOs in drafting conditions for public tenders for adapted assistive and mobility devices and in selection of suppliers.
- Require municipal governments to provide an independent complaint mechanism and to report the number of complaints about assistive and mobility devices that were filed and how complaints were resolved.

Article 21 Freedom of expression and opinion and access to information

21.1 The deaf community has advocated for recognition of Dutch Sign Language (NGT) for thirty years.¹²² A bill to recognize NGT as an official language was introduced in Parliament in 2015 but has yet to be turned into law.¹²³

21.2 Internet is far from accessible to persons with an intellectual, sensory, or a psychiatric disability or with poor reading skills. Government websites and apps often fail to meet requirements of accessibility and user friendliness.¹²⁴

21.3 Television is far from accessible to persons with a sensory disability.

21.4 Telephonic accessibility is inadequate for hearing-impaired persons.

21.5 The number and format of television programs accessible to visually-impaired persons is limited. Audio description is not mandated by law. The number of programs supported with sign language interpreting and subtitling is limited.¹²⁵ Public broadcasting is not required to provide programs that are accessible to all.

Recommendations

- Recognize Dutch Sign Language
- Improve internet accessibility for persons with a sensory, intellectual or psychiatric disability.
- Ensure television accessibility for persons with a sensory disability.
- Ensure that information is sufficiently accessible to persons with a hearing impairment.
- Involve disabled persons and DPOs to develop a program of requirements to ensure accessibility, user friendliness and that consultation with DPOs is made part of occupational training programs.

Article 22 Respect for privacy

22.1 Disabled people are formally protected against unnecessary information exchange but are often forced to share privacy-sensitive information when requesting care and support.

22.2 Technical aids are used for distance monitoring of disabled people. This can compromise the privacy of persons who are distance-monitored.¹²⁶

Article 23 Respect for Home and Family Life

23.1 The Netherlands made an interpretive declaration with respect to Article 23. This declaration suggests that it is in the interest of the (unborn) child to make an exception to the rights provided in Article 23, paragraph 1, sub b. The Netherlands Human Rights Institute says that 'In this way, (ir)responsible parenthood is coupled with having an (intellectual) disability, which can justify intervening in the best interest of the (unborn) child.'¹²⁷

23.2 Financial regulations have the effect of discouraging disabled people from living with a life partner as the income of the partner is counted in determining eligibility for care and support.¹²⁸ A 2018 call-in action¹²⁹ reported that the number of people with a disability living alone is 2.5 times higher than in the general population.¹³⁰

23.3 Benefit payment rules make it more difficult for disabled people to live in a family or other household. Living with others can lead to lower benefits and subsidies. Many young adults need professional help for problems and end up in closed facilities or on the street. The number of homeless people between the age of 18 and 30 tripled between 2009 and 2018.^{131, 132}

23.4 Between 35% and 40% of people in prison detention have a mild intellectual disability.¹³³ They receive inadequate support to successfully return to society.

Recommendations

- Withdraw the interpretive declaration of Article 23.
- Change the system for co-payments, deductibles and benefits rules so disabled people can live together and families are not financially penalized for offering their family member a home.

Article 24 Education

24.1 The aim of working toward an inclusive education system is not laid down in law or policy, nor in the action line education of the CRPD implementation plan 'Onbeperkt meedoen'.

24.2 The Netherlands maintains a two-track system of special education alongside a system of regular education. The Appropriate Education Act (2014) aimed to stop increasing enrollments in special education but maintains the two-track system. The number of children in schools for special education is on the increase,¹³⁴ leading in 2019 to waiting lists for special schools in many communities.¹³⁵ The percentage of primary school-age children in schools for special education is constant at around 4,1%.¹³⁶ The percentage of pupils with a disability receiving extra support in regular schools has decreased since 2014 from 1% to 0,3%.¹³⁷ The national education inspectorate has reported seeing no movement toward inclusive education.¹³⁸

24.3 Thousands of children of compulsory school age do not attend school. This includes a group of approximately 4,000 children that has been out of school for more than three months and for whom no appropriate school placement can be found. One third of this group has a disability.¹³⁹ There is also a group of children who have been officially exempted from compulsory school attendance due to their disability.¹⁴⁰

24.4 Indicators for measuring implementation of Article 24 CRPD have been developed by Statistics Netherlands (CBS) and Nivel at the request of the Netherlands Human Rights Institute.¹⁴¹ Using these indicators, the NRI reports in *Insight into Inclusion II*,¹⁴² that 'a considerable percentage of children with a disability and/or chronic illness goes to primary and secondary schools for special education. One cannot speak of inclusive education.'¹⁴³

24.5 Parents of disabled children are legally entitled to choose a school for regular education for their child, but a school can legally refuse enrollment if it believes that it cannot provide sufficient support to the child. Parents report difficulties in finding a good school in their neighborhood.¹⁴⁴

24.6 Children do not have an individual right to educational support. The Appropriate Education Act provides that schools determine the kind of support they make available. Since 2015 municipalities have cut back on care resources for support at school for children with a disability. Parents experience difficulties getting support. Parents do not have a say over the allocation of support funding, regardless of whether the money comes from a school consortium or from a municipality. Parents report instances of being pressured to accept placement in special education under threat of a report to child abuse authorities.¹⁴⁵

24.7 School consortia and school boards do not invest the full amount of nationally allocated support funding in the classroom, but put part of the financing in reserve funds.¹⁴⁶ The reserves continue to grow.¹⁴⁷

24.8 Education scholars recognize that 'ratification of CRPD raises urgent questions about the institutional division between regular and special education' and that Article 24 necessitates a 'searching discussion' about the question of whether all pupils requiring extra support can receive that in regular education, and 'how to define that if special education no longer exists.'¹⁴⁸ This discussion is not being facilitated by government officials.

24.9 Schools wanting to be inclusive face barriers created by the financing system and rules complicating individual solutions and care.¹⁴⁹

24.10 Teacher training programs provide minimal training in inclusive teaching methods. Problems are reported with availability of adapted teaching materials for schools.¹⁵⁰ Educational materials for children with intellectual disabilities may not be disseminated due to copyright law. This inhibits information sharing and transmission.¹⁵¹

24.11 Pupils who finish secondary special education (with or without a diploma) are significantly less likely to find employment than their peers in regular education. The national education inspectorate has expressed concern over the high percentage of school leavers from special secondary schools that do not continue to study or work after leaving school. Only 20% of these students actually finds a job.¹⁵²

24.12 In technical and vocational training for 16-18 year olds, disabled students run up against a lack of familiarity and expertise with disability in the classroom context and during mandatory internships.¹⁵³ Especially students coming from secondary special education run into severe problems due to a lack of guidance and support.¹⁵⁴

24.13 Disabled students in higher education are more likely to fall behind in their studies or break off their study.¹⁵⁵

24.14 There is no policy for life-long learning in the Netherlands. Many interviewees said this was important given that many disabled people received a low level of education and lack skills and diplomas for meaningful employment.

Recommendations

- Adopt the aim of transforming the education system into an inclusive education system in law and policy.
- Develop an implementation plan with a time schedule and measurable aims for achieving a system of inclusive education in which over time disabled children attend regular schools and regular schools are increasingly equipped to provide good education to all children.
- Enter into dialogue with schools that are inclusive or want to be to identify the factors that block transformation, and adapt law and policy accordingly.
- Amend the system of financing to facilitate inclusive education.

Article 25 Health

25.1 Family physician care will be discontinued as of 2020 for disabled people living in institutions. This results from a guideline adopted by the National Family Physician's Association which discourages general physicians from providing care to this group.¹⁵⁶ Family physician care for 5,000 disabled people living in group homes was discontinued, and for an additional 13,000 residents of group homes, evening, night and weekend services were discontinued.¹⁵⁷

25.2 A parent reported that she has to be continuously present when her disabled child is hospitalized so that she can lift her child as medical personnel are barred by occupational health rules from doing so, and a personal homecare budget cannot be used during a hospital stay.

25.3 Persons dependent on long-term care face many obstacles: expensive co-payments, insufficient support in finding care, complicated bureaucratic procedures, too little expertise and decision-making authority by professionals and conflicting regulations.¹⁵⁸ The increase in co-payment costs leads to fewer instances of care use.¹⁵⁹

25.4 Since 2015 youth under age 18 with mental health issues cannot choose a particular treatment. Municipalities organize and finance mental healthcare to age 18 and determine the kind of care on offer. This has led to problems in access to youth care.¹⁶⁰ Vulnerable children are not getting the care they need.¹⁶¹

25.5 Access to care is complicated because medical information and medical services are not easily

accessible to disabled people. Family caregivers report great difficulty in finding good information about how to organize care at home after a hospital stay. Patients are entitled to a paper copy of their medical files only (and pay copying costs).¹⁶² Persons who use a screen or Braille for reading support cannot see their own medical files. In today's increasingly digitized world more people are dependent on websites, portals and apps of care providers. Digital accessibility in the care sector is insufficiently organized for disabled people.¹⁶³

Article 26 Habilitation and Rehabilitation

26.1 The collection of care co-payments is organized so that persons can be confronted with high bills for contributions under the Long Term care Act, Social Participation Act and other insurance policies after the fact.¹⁶⁴

26.2 Umbrella DPO Ieder(in) itemized several problems with getting assistive devices: lack of customization to individual needs; long delivery times; poor maintenance system; rules that forbid taking a device to another municipality upon moving house; many differences among municipalities with some hard to get to and some providing poor quality services.¹⁶⁵

26.3 Refugees and refugee centers have very limited access to assistive devices.

Recommendation

- Set up a national framework and minimum requirements for assistive devices.

Article 27 Work and Income

27.1 Unemployment among disabled people increased between 2012 and 2016 by more than half than among nondisabled people.¹⁶⁶

27.2 More than 80% of nondisabled persons is employed; for disabled persons that percentage is considerably lower.^{167,168} The Human Rights Institute made an analysis: 72% of adults has paid employment, but only 36% of persons with a physical disability, 22% of persons with a psycho-social disability, 21% of persons with an intellectual disability^{169, 170} and 45% of adults with an Autism spectrum disorder has paid employment.¹⁷¹

27.3 The total package of measures taken since decentralization to increase labor participation of disabled people failed.¹⁷² The aims of the Participation Act to increase employment participation and support in finding a job have not been met.¹⁷³

27.4 There is policy to help disabled people find work, an important part of which is an accord with employers to reserve 125,000 jobs for disabled people, especially persons disabled at a young age who without extra support have difficulty earning the minimum wage.¹⁷⁴ A quota can be imposed upon private sector employers failing to meet the quota. This accord is criticized for not creating job security.¹⁷⁵ Only 55% of persons who find work under the jobs accord has job security. The rest is employed via temporary detachment constructions and lose their job within a year.¹⁷⁶ Not everyone with a disability is eligible for participation.¹⁷⁷ Job seekers who do not qualify under the jobs accord note that a potential employer prefers not to hire him/her as they do not 'count' toward the quatum.¹⁷⁸ The jobs accord leads to a selection on the labor market between different groups of disabled people. The accord has not lead to greater participation for the entire group of disabled people. The UN ESCOC Committee expressed concern about employment participation of disabled people and the lack of sustainable employment opportunities.¹⁷⁹

27.5 Only 27% of young disabled people receives employment support from municipalities. Job seekers with a mild disability receive support more readily than job seekers with more severe disabilities, simply because this is cheaper.¹⁸⁰

27.6 The percentage of employers willing to hire a disabled employee is around 5%.¹⁸¹ Few employers are prepared to reorganize in ways that create more opportunities for disabled people.^{182, 183}

27.7 Government has not met its own target commitment to hire disabled persons in government service.¹⁸⁴

27.8 New jobs in sheltered employment have not been allowed since 2015. Municipalities are tasked with creating sheltered or supported jobs in private companies. In 2018 municipalities had realized only 54% of the required supported jobs.¹⁸⁵

27.9 Persons with a Youth Disability Allowance are often employed at less than the legal minimum wage and need a supplemental allowance (which is reduced if there is other family income).¹⁸⁶

27.10 There is no new policy to increase labor participation for persons who become partially or totally disabled while employed. Employment participation of persons with a partial employment disability allowance¹⁸⁷ decreased between 2008 and 2016 from 55,6% to 43,9%, and for persons with a full disability allowance from 19% to 8,4%.¹⁸⁸

27.11 People entitled to an employment disability allowance are reluctant to accept paid employment for fear losing their job and their disability allowance.

27.12 Disabled people who are self-employed can be refused a premium for employment disability insurance or have to pay much higher premiums.¹⁸⁹

27.13 Transition from professional training to paid employment is harder for disabled people due to lack of workplace adaptation or guidance during unpaid internships. Employers increasingly use workplace-wide digital administration/IT systems and it is reported that individual adaptations are difficult. Due to privacy law employers sometimes refuse to implement an adaptation, resulting in employment termination.¹⁹⁰

27.14 Parents of disabled children reported that it costs them so much time and energy to organize care for their child that they had to work less or quit their job. Municipalities are required to provide support to young children and their caretakers, but they sometimes refuse to provide support if parents can organize the care themselves.

Recommendations

- Monitor the general employment situation of all groups of persons with a disability, and not just the effects of the jobs accord.
- Monitoring should focus on specific groups for whom job opportunities are especially low, including disabled women, persons with severe disabilities and disabled persons of color or with a migration background.
- In order to decrease the need for individual adaptations, enter into discussion with employers and trade unions about how businesses can become more generally accessible. Provide subsidy for improving general accessibility.
- Make on-going coaching available to job-seekers.
- Stimulate the use of anti-discrimination protection to force employers to make reasonable accommodations.

- Provide income protection for all disabled people, including persons who have a partial working capacity, so that independent income is not offset by income of others in the same household. Test for indirect gender discrimination.
- Guarantee a right to fall back on former disability insurance benefits should paid employment not last.

Article 28 Adequate Standard of Living and Social Protection

28.1 A trend of increasing poverty and social exclusion is seen for disabled people between 2009 (19,5%) and 2016 (24,6%).¹⁹¹

28.2 Between 2008 and 2017 purchasing power for persons receiving disability benefits decreased by 0,9%, compared to an increase of 5,2% for the general population and a 15,4% increase for those employed.¹⁹² Between 2000-2014 the income gap widened between households with a disabled member and those without.¹⁹³

28.3 The severity of disability determines the degree of poverty in which households live. In 2016 36,6% of people with severe disability lived in poverty as compared to 19,6% of those with mild disability and 13,2% for nondisabled people.¹⁹⁴

28.4 The national CRPD implementation plan and annual national finance budgets don't address the growing poverty among disabled people and the effect of poverty on participation. There is a failure to examine the relationship between poverty, disability, gender, origin, migration background or age.

28.5 General poverty reduction policy aims to increase employment participation, including among persons receiving disability benefits who are considered still partially able to work. Benefits income is offset by employment income. Disabled people note that accepting paid employment does not necessarily mean more disposable income.¹⁹⁵ Of all young disabled persons receiving disability benefits and having paid work, only 29% earn more than the minimum wage.¹⁹⁶

28.6 Accepting paid employment can lead to less disposable income. Higher wages can result in higher co-payments for care and support. Disabled people report preferring to do unpaid volunteer work to avoid financial problems. The system of income-dependent contributions to costs of care and income-dependent subsidies perpetuates social isolation and poverty.

Recommendations

- Track and publish developments in disposable income for households with a disabled member.
- Recognize that disabled people unavoidably have higher expenses, including mandatory co-payments to support and medical care. Compensate them for such expenses.
- Study the effect of poverty on social participation. Involve self-advocates in developing a financial instrument to enhance participation.

Article 29 Participation in Politics and Public Life

29.1 Disabled people are entitled to vote and stand for election.²⁰¹ Also persons under guardianship, curatorship or mentorship have since 2008 the right to vote, in person or via proxy.¹⁹⁷

29.2 The Election Law requires all voting locations to be accessible to persons with a physical impairment and requires assistance to be provided in the voting booth to persons with a physical or sensory impairment. Assistance for persons with an intellectual disability is not allowed. Intellectually disabled persons who can't vote without help are seen as unable to make their own choice.¹⁹⁸ The chairperson of the voting station can decide if a prospective voter is intellectually disabled and refuse to allow support. The personnel in voting

stations are not trained to properly inform disabled people who are often discouraged to vote because of incorrect information.¹⁹⁹

29.3 Advocacy organization Ieder(in) protested the exclusion of support for persons with an intellectual disability. The OECD Bureau for Democratic Institutions and Human Rights criticized this exclusion in a report about the parliamentary elections of 2017 and condemned this practice as in conflict with the CRPD.²⁰⁰ In the parliamentary elections of 2017 and municipal council elections of 2018, hundreds of complaints were made by persons with visual impairment and by persons with an intellectual disability. Election information as well as the ballot were inaccessible and potential voters were not given appropriate support.²⁰¹ Another study found that many people with an intellectual disability had problems, and fewer problems for persons with a physical disability.^{202, 203} The Election Council, which organizes elections, advised the government to amend the Election Law so that assistance can be given to persons with an intellectual disability by members of the local polling station.²⁰⁴ The government has not responded to this recommendation.

29.4 There is no requirement to make election information accessible to all in election campaigns and debates.

Recommendations

- Amend the Election Act so that persons with a reading or intellectual disability can vote and require municipal government to provide support.
- Amend the Election Act so that persons can be assisted by a person of their choosing.
- Make information concerning voting and voting rights accessible.

Article 30 Participation in cultural life, recreation, leisure and sport

30.1 The NIVEL Participation Monitor reports participation of disabled people in society was constant between 2008 and 2015, and is lower than for non-disabled persons.²⁰⁵ Especially persons with intellectual and multiple disabilities have a lower rate of participation in all domains. They report the need for social contacts and support for dating, forming friendships and sexual intimacy.

30.2 Persons with mobility and sensory impairments report that inaccessible buildings, public spaces and lack of safety caused by obstacles on sidewalks and in 'shared spaces' make it difficult to participate in cultural life, recreation and leisure activities.

30.3 Cultural podia are often inaccessible and municipal regulations and permit requirements do not take account of disability.

30.4 Interview participants spoke about inaccessibility of open-air festivals and that (film) theaters are not always accessible to wheelchair users. The only theater company with sign language stopped in 2015 when its subsidy ended.

30.5 The Long-term Care Act does not reimburse support for social outings and leisure activities, limiting participation in cultural life, recreation, leisure and sport for persons with severe intellectual, sensory or physical disabilities.

Recommendations

- Require municipal governments to include accessibility requirements in permits for cultural podia, public swimming pools and other public recreational activities.
- Expand the support available via the Long-Term Care Act and Social Participation Act to make individual support aimed at participation possible.

Article 31 Statistics and Data Collection

31.1 Data concerning the position of disabled people is not systematically collected, excludes particular groups, is not differentiated for gender, background or age and is limited to a narrow range of topics. As a result, data on the life situation of disabled people are difficult or impossible to extract from available statistical data.

31.2 A comprehensive report on the situation of disabled people across a wide range of life domains used to be issued every five years by the Social Cultural Planning Bureau. The last report of this kind was published in 2015.

31.3 Statistics Netherlands (CBS) collects statistical information about disabled people on the basis of interviews. People living in institutions are not included (>300.000 people).²⁰⁶ Their data and views are not included in CBS statistics.²⁰⁷

31.4 Research institute Nivel does research for persons with a chronic health condition via two panels, one for persons with chronic illness and/or disability²⁰⁸ and the other panel for persons with an intellectual disability.²⁰⁹

31.5 The Human Rights Institute uses in its monitoring activities data collected by CBS and Nivel to develop CRPD implementation indicators for the domains independent living, community participation, employment and education.²¹⁰ It indicated in its first report to the CRPD Committee that the lack of statistical data about disabled people complicates their monitoring task.²¹¹

Recommendation

- Mandate centralized data collection which is aimed at monitoring the implementation of the Convention, disaggregated along the lines of various kinds and degrees of disability, age, gender, background and other relevant characteristics.

Article 32 International Cooperation

32.1 International development programs make no mention of empowerment or inclusion of disabled people, with the exception of the Voice Global Empowerment Fund.²¹² Only 1-2% of the Overseas Development Assistance budget is spent on programs that are geared toward empowering disabled persons or that aim for inclusion of disabled people in a broader sense.²¹³

32.2 Despite various calls by Parliament, no structural measures have been taken to ensure inclusion of disabled people in general development programs.²¹⁴

32.3 Programs do not take account of disability; calls for proposals use no impact indicators for impact on the lives of disabled people; government failed to adopt the 'disability marker' of the OECD Development Assistance Committee and does not report on progress made with respect to inclusion of disabled people when monitoring the SDG's. Attention to disabled people is also missing in post-conflict and transitional justice projects.

Recommendations

- Require criteria for including disabled people in calls for cooperation and development program proposals.
- Apply OECD's 'disability marker' to all development programs.
- Set up and facilitate a CRPD focal point within the Ministry of Foreign Affairs with a clear mandate to train and equip staff with CRPD guidelines.
- Make all embassies accessible.

Article 33 National Implementation and Monitoring

33.1 The Ministry of Health, Public Welfare and Sport (VWS) is the designated coordination point for implementation of the Convention. The Ministry has a seat in a governance body along with the Association of Dutch Municipalities (VNG), the National Employers Association (VNO-NCW) and with DPOs via the Alliance for UN Treaty Implementation (Alliantie). The voice of disabled people is weak in this implementation body of equal partners and is easily drowned out. There is no publication of information concerning the frequency of meetings, the agenda or the planning, making direct input from the field impossible.

33.2 How disabled people and their organizations are to participate in line with Convention Articles 4.3 and 33 has not been translated into steps to enable the participation of disabled people and DPOs in implementation and oversight to grow over time. Many aspects of participation envisioned by the CRPD Committee in General Comment 7 are not being met.²¹⁵

33.3 The monitoring body Human Rights Institute has not adopted procedures to ensure structural participation of disabled people and their organizations in their monitoring procedures.

Recommendation

- Strengthen the position of disabled people and DPOs in monitoring the implementation of the Convention in line with General Comment 7. Translate all General Comments into the Dutch language.

Notes

Executive summary

- 1 DPO leder(in), which roughly translates as “All In”, is a federation of 240 civil society organizations representing persons with a handicap or chronic illness in the Netherlands, together representing 2 million people. leder(in) engages in collective advocacy at the national level and supports its member organizations. People with a disability and/or their parents are employed throughout the organization. leder(in) is an active member of the European Disability Forum, <https://iederin.nl/>
- 2 MIND platform is a national NGO and advocacy organization consisting of 18 member organizations for persons with mental disabilities. <https://mindplatform.nl>
- 3 Per Saldo is an organization with 23.000 members that provides support to holders of personal care budgets (pgb), <https://www.pgb.nl/>
- 4 LFB is an organization for and run by persons with an intellectual disability, with a national office and five regional ‘power stations’, <https://lfb.nu/>
- 5 Coalitie voor Inclusie works toward an inclusive society with persons with and without disabilities and collaborates closely with the civil society organizations in the Alliantie VN-verdrag Handicap (Alliance for Implementation of the UN Disability Convention), <https://coalitievoorinclusie.nl>
- 6 Representatives of the following groups were interviewed in group interviews in the months of June and July 2019 at the office of leder(in): persons with a hearing impairment, persons with a visual impairment, parents of children with a disability, persons with a mobility impairment and family caregivers. Group interviews of persons with intellectual, severe and multiple disabilities were held in centers closer to home for the interviewees. A group interview was also held with persons with a mental or psychiatric disability. In all of the interviews the central question that was asked was: ‘What are the greatest barriers that you experience in your daily life?’
- 7 Translated reports can be found in the three appendices at the end of this report. The reports in Dutch can be downloaded via the leder(in) website: www.iederin.nl/bibliotheek, under the title VN-verdrag Handicap.

Articles 1 thru 4 - General Principles

- 8 <https://nos.nl/nieuwsuur/artikel/2300498-initiatiefwet-nederlandse-gebarentaal-erkennen-als-officiële-taal.html>
- 9 See E/C.12/NLD/CO/6(2017), *UN Committee ESC Rights, Concluding Observation 8*, where the Committee “recommends that the State party adopt national action plans on human rights for all its constituent parts.”
- 10 *Decisions 2019-47, 2019-52 and 2019-55*, based in part on Article 2a; The Human Rights Institute (College voor de Rechten van de mens, CRM) ruled that in all three cases providing accommodations for general accessibility would be disproportionately burdensome on the service provider. The complaints concerned respectively the lack of subtitling for films, the absence of toilets in local trains and a request to adapt a navigation system to make it accessible.
- 11 *Eén-meting vn-verdrag handicap: meer gemeenten werken actief aan inclusie* (One measurement of UN CRPD: more municipalities are working on inclusion) VNG 2019. https://vng.nl/sites/default/files/nieuws_attachments/2018/20190304_Article_eeen-meting-vng_0.pdf
- 12 Contribution by the National Client Council (Landelijke Cliëntenraad, LCR), September 2019.

Article 5 Equality and non-discrimination

- 13 Equal Treatment Act, WGBH/CZ Art. 3, sub 1, b.
- 14 *Kamerstukken II 2001/02, 28 169, nr. 3, Memorie van Toelichting (Parliamentary history)*, p.31.
- 15 J. Kruseman, C. Forder, *Mijn, jouw of onze school? Het recht op inclusief onderwijs in Nederland (Mine, your or our school? The right to inclusive education in the Netherlands)* testing the Dutch educational system against the CRPD, June 2016, Platform In1school, <https://www.in1school.nl/kennis-ondersteuning/publicaties>
- 16 Article 59 Wajong, set out in Salary Dispensation Wajong Decree of 2010 (*Besluit loondispensatie Wajong 2010*).
- 17 Individual report to the Project VN-ambassadeurs (UN Ambassadors) . For project information (in Dutch), see <https://coalitievoorinclusie.nl/vn-ambassadeurs-samen-aan-de-slag/>
- 18 Sixteen criminal complaints about disability discrimination were made to the police in 2018. Criminal complaints do not necessarily lead to prosecution. The public prosecutor is free to decide to prosecute, but it does not appear that prosecution on the basis of Penal Code articles 137 and 429 quarter has ever occurred.

Article 6 Women with disabilities

- 19 EUSILC UDB 2012 – version 2 of August 2014, published in Country Report on the European Semester – Netherlands, 2014, p. 16, <https://www.disability-europe.net/downloads/256-ened-2014-task-5-nl-final> ; The risk of poverty and social exclusion is higher for disabled women than for non-disabled women and has increased more

as well, from 14.3% in 2012 to 14.4% in 2015, and is higher than for men (10,7% in 2012 and 11,7% in 2016).

20 EUSILC UDB 2012 – version 2 of August 2014, published in Country Report on the European Semester – Netherlands, 2014, p. 8, <https://www.disability-europe.net/downloads/256-aned-2014-task-5-nl-final>

21 EUSILC UDB 2015 – version of October 2017 (and previous UDB), published in Country Report on the European Semester - Netherlands 2018, p. 25,26, 33, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands> ; Disabled women are more than twice as likely to be unemployed as non-disabled women (2,8% in 2012 and 5,3% in 2016) and more than twice as high as the general population (4,2% in 2012 and 5,1% in 2016).

22 EUSILC UDB 2012 – version 2 of August 2014, published in Country Report on the European Semester – Netherlands, 2014, p. 11, <https://www.disability-europe.net/downloads/256-aned-2014-task-5-nl-final>

23 EUSILC UDB 2015 – version of October 2017 (and previous UDB), published in Country Report on the European Semester - Netherlands 2018, p. 25,26,33, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands> ; The employment participation of disabled women is significantly lower than that of disabled men (65% in 2012 and 66% in 2016) and also lower than that of the general population (76,6% in 2012 and 84,6% in 2016).

24 Life after violence. A study on how women with intellectual disabilities cope with violence they experienced in institutions, Inclusion Europe 2018, https://www.inclusion-europe.eu/wp-content/uploads/2019/02/LAV-Publication_web.pdf

25 Medisch Contact, December 17, 2018, <https://www.medischcontact.nl/nieuws/laatste-nieuws/Article/toegang-tot-zorg-is-een-mensenrecht.htm>

26 Julia Bahner, Mapping the Terrain of Disability and Sexuality: From policy to Practice, Ars Vivendi Journal No. 11 (March 2019): p. 27-47 (2nd version, with reference to the Netherlands)

Article 7 Children with disabilities

27 Noted by organizations Per Saldo and Ieder(in) in the position paper Jeugd (Youth), April 2018: https://files.pgb.nl/app/uploads/2018/07/02121710/n_Per_Saldo_t.b.v._hoorzitting_rondetafelgesprek_Evaluatie_Jeugdwet_34880-1_d.d._23_april_2018.pdf

28 <https://iederin.nl/besteed-extra-miljard-voor-jeugdhulp-ook-aan-kinderen-met-een-beperking/>

29 <https://iederin.nl/waar-is-jeugd-met-een-beperking-of-chronische-aandoening-gebleven/>

30 Friele, RD, et al., *Eerste Evaluatie Jeugdwet*, The Hague: ZonMW, January 2018, <https://publicaties.zonmw.nl/eerste-evaluatie-jeugdwet/>

31 *ibid.*, p. 529, and contributions by DPO's Ieder(in) and Per Saldo of April 23, 2018, https://files.pgb.nl/app/uploads/2018/07/02121710/n_Per_Saldo_t.b.v._hoorzitting_rondetafelgesprek_Evaluatie_Jeugdwet_34880-1_d.d._23_april_2018.pdf

32 Letter to lower chamber of Parliament by various advocates of young people with a disability, April 20, 2018: <https://www.pgb.nl/oproep-aan-tweede-kamer-aandacht-jeugd-chronische-beperking/>

33 M. Dirkse et al., *Meisjes in JeugdzorgPlus, Een onderzoek naar genderverschillen in problematiek, behandelplan en genderspecifiek werken* (A study of gender differences in problems, treatment plans and gender-specific work), Amsterdam: NCSR, 2018, p. 9.

34 Concluding Observations on the Seventh Periodic Report of the Netherlands, CAT/C/NLD/CO/7, December 18, 2018, para. 38-39: 'the Committee is concerned about information that the State party places a large number of children, including child victims of sexual violence, in closed youth care facilities (2,710 in 2017), and that those children are subjected to use of force and coercion and even placement in isolation rooms. It also regrets the lack of information on the restrictive measures used against such children.'

35 <https://stichtinginfodesk.nl/doof-of-slechthorend-geboren-woorden/>

36 Information by Stichting Infodesk: <https://stichtinginfodesk.nl/schaduwrapportage-vn-verdrag-mensen-met-een-beperking-een-auditieve-aangeboren-beperking/> and <https://stichtinginfodesk.nl/doof-of-slechthorend-geboren-woorden/>

37 Report of the Commission de Winter, 2019, <https://www.rijksoverheid.nl/actueel/nieuws/2019/06/12/eindrapport-commissie-onderzoek---de-winter-kinderen-werden-vanaf-1945-in-de-jeugdzorg-onvoldoende-beschermd-tegen-geweld>

38 *Rapport Onderzoekscmissie langdurig verblijvende vreemdelingen zonder bestendig verblijfsrecht* (Commission report on refugees without viable residence right), 4/06/2019, and *Extra beschermd of extra beschadigd? Onderzoek naar de leef- omstandigheden van kinderen met een handicap in asielzoekerscentra in Nederland* (Extra protected or extra damaged? Investigation of the living conditions of children with a disability in refugee centers in the Netherlands), Defence for Children, 2018, https://defenceforchildren.nl/media/3232/leefomstandigheden-gehandicapte-kinderen-in-azcs_web.pdf

39 Report Commission de Winter, 2019, <https://www.rijksoverheid.nl/actueel/nieuws/2019/06/12/eindrapport-commissie-onderzoek---de-winter-kinderen-werden-vanaf-1945-in-de-jeugdzorg-onvoldoende-beschermd-tegen-geweld>

[geweld](#)

Article 8 Awareness Raising

40 Reported ingroup interviews

Article 9 Accessibility

41 <https://wetten.overheid.nl/BWBR0030461/2018-11-03>

42 The main requirement of the Building Decree is that publicly accessible buildings (such as hotels, large stores, government office building and community spaces in apartment buildings) with a floor space larger than 400m² must have at least one accessible entrance, one accessible toilet and an accessible zone of at least 40 percent of the floor space. Existing buildings do not have to meet these requirements, also not in the case of extensive renovation.

43 News item by Iederin: Breng het voorstel in lijn met het VN- verdrag: *Minister Blok moet zijn Bouwbesluit repareren (Bring the proposal in line with the CRPD: Minister Blok has to fix the Building Decree)*, <https://iederin.nl/nieuws/17938/oproep--minister-blok-repareer- het-bouwbesluit/>

44 Letter by the Minister of the Interior to the lower chamber of Parliament, June 12, 2019, concerning the action plan accessibility of building and intentions to amend building regulations, <https://www.rijksoverheid.nl/documenten/rapporten/2019/04/30/kosten-extra-eisen-toegankelijkheid-appartementen- contra-expertise-op-eerder-uitgevoerd-onderzoek>

45 Letter from the Minister of Foreign Affairs to the lower chamber of Parliament about the outdoor space for the for residence function with care and motion Vacpunt Wonen, July 3, 2018, <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/ka-merstukken/2018/07/03/kamerbrief-over- buitenruimte-bij- de-woonfunctie-met-zorg-en-motie-financiele-hulp-vac- punt-wonen-bij-verdere-ontwikkeling- kwaliteitsstempel/ kamerbrief-over-buitenruimte-bij-de-woonfunctie-met- zorg-en-motie-financiele-hulp-vacpunt- wonen-bij-verdere- ontwikkeling-kwaliteitsstempel.pdf>. https://iederin.nl/ downloads/dl.php?l=1546_18- 0350_Brief_TK_cie_BZK_input_AO_14_feb_2018_percent28002_percent29.docx

46 There is no demarcation in a 'shared space' of an area for automobiles or other vehicles and an area for pedestrians.

47 Group interview with persons with visual disabilities

48 ANED National Accessibility Report Netherlands, <https://www.disability-europe.net/downloads/100-aned-2012- nl- task-4-national-accessibility-report-final>

49 Approximately 30,000 persons who are deaf or hard of hearing live in the Netherlands, of whom nearly 10,000 are completely deaf and use Dutch Sign Language as their first language, <https://nos.nl/artikel/2277528-geen- gebarentolk-na-aanslag-utrecht-ik-voelde-me-tweederangsburger.html>

50 A student under the age of 30 can make unlimited use of an interpreter in higher education. In employment the use of an interpreter is limited to 15 percent of working hours.

51 Input via e-mail from Stichting Support Stotteren (Association for Stutter Support).

52 Research by Stichting Accessibility commissioned by the Human Rights Institute, College voor de Rechten van de Mens (CRM), October 2018, <https://mensenrechten.nl/nl/nieuws/commerciele-websites-nog-steeds-onvoldoende- toegankelijk-voor-mensen-met-beperking-0>

53 The Accessibility of Public Transportation Decree (Besluit Toegankelijkheid openbaar vervoer) (2011) and the Regulation on Accessibility of Public Transportation (Regeling toegankelijkheid openbaar vervoer) (2012) indicate per type of public transportation the percentage which must be accessible.

54 Information from DPO Ieder(in). Ieder(in) is involved in negotiations for setting new aims.

55 Information from a group interview.

56 Study of bus transportation, *Toegankelijkheid op de rit? Onderzoek naar de toegankelijkheid van openbaar busvervoer voor rolstoelgebruikers* (Accessibility on the go? A study into accessibility of public transportation for wheelchair users), Human Rights Institute, College voor de Rechten van de Mens, 2017, <https://publicaties.mensenrechten.nl/file/830cfdbd-3d73-418a-846f-c2f87dad150d.pdf> english version: <https://publicaties.mensenrechten.nl/ file/30d9453b-94db-47d2-b7f4-7eccd7c50912.pdf>

57 Legal research case register of the Human Rights Institute, CRM.

58 M. Wijk, *Handboek voor Toegankelijkheid*, 7th ed., 2003, SDU uitgevers

59 This despite an explicit appeal by DPOs in 2012 in a study about the new Building Decree: (Accessibility, a plea for better rules, Advisory Report Regulation), May 2012, CG-Raa, VACPunt Wonen, <https://iederin.nl/onze- doelen/toegankelijkheid/>

Article 10 Right to Life

60 See the model letter to municipal governments (in Dutch) prepared by DPO Ieder(In) for use by advocates for

communicating their vision for an accessible built environment to municipalities, June 21, 2019, at Dutch title: toegankelijkheid: <https://iederin.nl/onze-doelen/toegankelijkheid/>

61 Reported by DPO Stichting Down Syndroom (SDS).

62 "Some of the doctors involved in both cases raised concerns. In the other cases we studied, it was mostly accepted by doctors that suffering could consist of psychological pain, dependency, social isolation, loneliness, and a lack of coping mechanisms that were a result of intellectual disability." Citation from research described in the article: "Because of His Intellectual Disability, He Couldn't Cope." *Is Euthanasia the Answer?* Irene Tuffrey-Wijne et al, Journal of Policy and Practice in Intellectual Disabilities, vol. 16, no. 2, p. 113–116, June 2019.

63 Researchers examined 416 reports of euthanasia in the period 2012-2016. They found six reports concerning patients with an intellectual disability and three with an autism spectrum disorder.

Article 11 Situations of Risk and Humanitarian Emergencies

64 <https://iederin.nl/nieuws/18472/kabinet--regel-geba-rentolk-en-ondertiteling-bij-crisis/>

65 <https://iederin.nl/maak-112-volledig-toegankelijk-en-bereikbaar-voor-iedereen/>

66 For an explanation of Total Conversation: <https://www.kwaliteittele-tolk.nl/wat-is-total-conversation/>

67 See DPO position paper about this (in Dutch) at the website of DPO Ieder(in): <https://iederin.nl/maak-112-volledig-toegankelijk-en-bereikbaar-voor-iedereen/>

Article 12 Equal Recognition Before the Law

68 BW 1:382 lid 2 (Dutch Civil Code). For a Dutch-language discussion of this, see the extensive study of Blankman en Vermariën, *Conformiteit van het VN-Verdrag inzake de rechten van personen met een handicap en het EVRM met de huidige en voorgestelde wetgeving inzake vertegenwoordiging van wilsonbekwame personen in Nederland* (Conformity with the CRPD and ECHR of current and proposed legislation concerning persons lacking capacity in the Netherlands), University of Amsterdam, December 2015, <https://publicaties.mensen-rechten.nl/file/6a853233-2646-4c5c-9dcb-294da7e3c362.pdf>

69 During a group interview in July 2019 with members of Lfb, a DPO for persons with an intellectual disability, various people described the experience of leaving institutional living as having been reborn.

Article 13 Access to Justice

70 All-round approach toward detainees with mild intellectual disability, VGN, 2019, https://www.vgn.nl/system/files/2019-10/Maatschappelijke_percent20Businesscase_percent20Integrale_percent20aanpak_percent20voor_percent20mensen_percent20met_percent20een_percent20licht_percent20verstandelijke_percent20beperking_percent20in_percent20detentie_0.pdf

71 Art 13, sub 1 Statute College voor de rechten van de mens

72 <https://d11066c6yi5btx.cloudfront.net/nsgk/docs/cbabb266-afa4-42e3-9d07-680d205ef63c.pdf>

73 Report by NSGK Steunpunt Onderwijs, Gehandicapte Kind, March 2019, in Dutch available at <https://d11066c6yi5btx.cloudfront.net/nsgk/docs/cbabb266-afa4-42e3-9d07-680d205ef63c.pdf>

74 Jaarbeeld 2016, pp. 51 and 52. https://www.igj.nl/binaries/igj/documenten/jaarverslagen/2017/04/24/igj-jaarbeeld-2016/IGZ+Jaarbeeld+2016-def-IA_tcm294-383131.pdf

Article 14 Liberty and security of the person

75 See interview with Jolijn Santegoets, founder of the organization Mind Rights (www.mindrights.org) and action group Tekeertegendeisoleer (Revolt against Solitary Confinement), *Nieuwe wet maakt dwangbehandeling in eigen huis mogelijk. "Ik vind het angst-aanjagend."* (New law facilitates mandatory treatment in your own home: "I think it's terrifying." August 14, 2019, <https://eenvandaag.avrotros.nl/item/nieuwe-wet-maakt-dwangbehandeling-in-eigen-huis-mogelijk-ik-vind-het-beangstigend/>

76 'Total number of orders for involuntary committals' communicated by the Raad voor de Rechtspraak (Council for Jurisprudence) via e-mail dated November 5, 2019.

77 J. Broer et al, *Stijging van BOPZ maatregelen en dwang-opnames in de ggz, ontwikkelingen in Nederland in de periode 2003-2017* (Increase in BOPZ measures for involuntary committals in mental health institutions in the Netherlands 2003-2017), Ned. Tijdschr. Geneeskunde, 2018, 162:D2454, <https://www.ntvg.nl/Articelen/stijging-van-bopz-maatregelen-en-dwangopnames-de-ggz>; The number of requests for involuntary committals doubled from 14.924 in 2003 to 28.616 in 2018.

78 Figures from the Council for Jurisprudence (Raad voor de Rechtspraak), reported by GGZtotaal on August 4, 2019, <https://www.ggztotal.nl/nw-29166-7-3716430/nieuws/vorig-jaar-27000-gedwon-gen-opnames-volgens-wet-bopz.html>; The number of emergency committals increased from 43 per 100.000 persons in 2003 to 52 per 100.000 persons in 2017, an increase of 21%. The number of judicial orders for committal increased from 44 per 100.000 persons in 2003 to 104 per 100.000 persons in 2017. The number of

involuntary committals increased from 44 per 100.000 persons in 2003 to 64 per 100.000 persons in 2017 (+42%). The number of short-term orders increased from 0 in 2003 to 39 per 100.000 persons in 2017

79 Het Dolhuys manifest (The Dolhuys Manifesto), <https://museumvandegeest.nl/actueel/teken-dolhuys-manifest/>

80 For a series of media items see: <https://www.ggz-centraal.nl/10881-2/>

81 Translated as 'safeguards'.

82 Stichting Mindrights.

83 The Compulsory Mental Health Act, Art. 3:2 sub 2 h, e.g., allows 'imposing restrictions of the freedom to arrange one's life, as a consequence of which the person involved must do or refrain from doing something, including using a communication device.'

Article 15 Freedom from torture cruel, inhuman or degrading treatment

84 The UN Commission against Torture (CAT) expressed its concern about the high number of involuntary committals and the lack of detailed information concerning the length of the committal and use of coercive measures and medical supervision in its Concluding Observations regarding the Seventh Periodic Report of the Netherlands, para. 40 and 41, Concluding Observations on the Seventh Periodic Report of the Netherlands, CAT/C/NLD/CO/7, 18 dec 2018, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=1237&Lang=en

85 Concluding observations CAT (2018) CAT/C/NLD/CO/7

86 ICCPR, 2019, 43; also see footnote 106.

87 Reported by Steven Makkink, Senior Policy Advisor, MIND Platform

Article 16 Protection from Violence and Abuse

88 Van Berlo, W, et. al, *Beperkt Weerbaar, Een onderzoek naar seksueel geweld bij mensen met een lichamelijke, zintuiglijke of verstandelijke beperking* (Limited Resiliency, A Study of Sexual Violence in the Lives of Persons with a Physical, Sensory or Intellectual Disability), 2011, Rutgers WPF and MOVISIE, cited in: *Life after violence A study on how women with intellectual disabilities cope with violence they experienced in institutions*, Inclusion Europe, 2018, https://www.inclusion-europe.eu/wp-content/uploads/2019/02/LAV-Publication_web.pdf

89 Suna Dusak, et. al, *Geweld tegen meisjes en vrouwen met een beperking. Invulling van mensenrechtelijke verplichtingen in Nederland: een inventarisatie* (Violence against girls and women with a disability. An inventory of human rights protection in the Netherlands), Amsterdam Regioplan, 2018, <https://www.regioplan.nl/wp-content/uploads/2018/10/18068-Geweld-tegen-meisjes-en-vrouwen-met-een-beperking-Regioplan.pdf>; More than 60% of women with an intellectual disability interviewed in a study experienced (sexual) abuse (23% has been raped) in an institutional care setting.

90 National Rapporteur Human Trafficking and Sexual Violence against Children, *Slachtoffermonitor seksueel geweld tegen kinderen 2016* (Victim Monitor Sexual Violence against Children 2016), The Hague: Nationaal Rapporteur, 2018, section 7.1.5, <https://www.nationaalrapporteur.nl/Publicaties/Slachtoffermonitorseksueelgeweldtegenkinderen/slachtoffermonitor-seksueel-geweld-tegen-kinderen-2016.aspx>

91 M. Dirkse et al. *Meisjes in JeugdzorgPlus, Een onderzoek naar genderverschillen in problematiek, behandelplan en genderspecifiek werken* (A Study into Gender Differences in Problematizing, Treatment Plans and Gender-specific Working), Amsterdam: NCSR, 2018, p. 9, https://www.ncsr.nl/wp-content/uploads/Definitief_Meisjes-in-JeugdzorgPlus.pdf

92 National Rapporteur Human Trafficking, Tenth report of the National Rapporteur, The Hague: Nationaal Rapporteur Mensenhandel en Seksueel Geweld tegen Kinderen, 2017, p. 22-23, [https://www.nationaalrapporteur.nl/binaries/Nationaal percent20Rapporteur percent20\(2017\) percent20 Tiende percent20rapportage percent20mensenhandel_interactief_tcm23-288257.pdf](https://www.nationaalrapporteur.nl/binaries/Nationaal%20Rapporteur%20(2017)%20Tiede%20rapportage%20mensenhandel_interactief_tcm23-288257.pdf)

93 Expertisecentrum mensenhandel & mensensmokkel (Expert Center Human Trafficking and Human Smuggling), *Slachtoffers van mensenhandel met een licht verstandelijke beperking (LVB)* (Victims of Human Trafficking with Mild Intellectual Disability), April 2018, <https://wegwijzerjeugdenveilighaid.nl/documenten/slachtoffers-van-mensenhandel-met-een-licht-verstandelijke-beperking>

94 Final Report Commission de Winter: *Onvoldoende beschermd - Geweld in de Nederlandse Jeugdzorg 1945 tot heden* (Not Safe Enough, Violence in Dutch Youth Care from 1945 to the present), June 2019, <https://www.rijksoverheid.nl/documenten/rapporten/2019/06/12/onvoldoende-beschermd-geweld-in-de-nederlandse-jeugdzorg-van-1945-tot-heden>; Professionals report an increase in the number of persons with a mild intellectual disability who become victims of exploitation or violence. This could be attributed to the fact that professionals more readily recognize that victims have a mild intellectual disability. Another factor is that persons with mild intellectual disabilities more often live independently and thus are less protected from exploitation.

Article 18 Freedom of movement and nationality

95 Reported in group interviews.

96 *Extra beschermd of extra beschadigd? Onderzoek naar de leefomstandigheden van kinderen met een handicap in Asielzoekerscentra in Nederland* (Extra Protected or Extra Damaged? A Study of the Living Conditions of Children with a Disability in Refugee Centers in the Netherlands) Nederland, M. Goeman, S. Schuitemaker, Defence for Children, 2018.

Article 19 Living Independently and being included in the community

97 The difference between qualifying for Wmo (Social Participation Act) support and Wlz (Long-term Support Act) support is whether a person can make decisions independently or requires ongoing support and supervision.

98 Wmo (Social Participation Act) and Jeugdwet (Youth Act).

99 Two million individuals and 1.8 million households used one or more services provided by a municipality in 2016. That is 12 percent of the general population and 23 percent of all households. Of that total, 400,000 persons used a transportation device, 40 percent a Wmo-service (such as guidance, coaching and household help) and 25 percent youth care. The total number of children and young people that made use of youth care increased from the first half year of 2015 until the second half of 2017 by more than 13 percent to a total of almost 361.000 unique users, including the holders of a personal budget PGB. Non-residential and residential youth care rose sharply in this period (by 19 percent and 16 percent respectively). Figures are from the Overall rapportage Sociaal Domein 2017, Sociaal en Cultureel Planbureau, https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2018/Overall_rapportage_sociaal_domein_2017

100 Factsheet | *De kortingen op de decentralisatie jeugdzorg in 2015* (Fact sheet | Budget cuts in the decentralization of youth care in 2015), Vereniging Nederlandse Gemeenten VNG (Association of Dutch Municipalities), <https://vng.nl/onderwerpen/index/jeugd/jeugdhulp/factsheet-de-kortingen-op-de-decentralisatie-jeugdzorg-in-2015>

101 Sociaal en Cultureel Planbureau, *Veranderde zorg en ondersteuning voor mensen met een beperking. Landelijke evaluatie van de Hervorming Langdurige Zorg* (Changed care and support for persons with a disability. National evaluation of Reforming Long-term Care), 2018, p. 14, <https://www.scp.nl/dsresource?objectid=5e85da60-3b35-4766-8bfc-7e9ab0daf38f&type=org>

102 Overall rapportage Sociaal Domein 2017. SCP. https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2018/Overall_rapportage_sociaal_domein_2017

103 Complaint from adviespunt Ervaringsdeskundigheid (Advisory point Self-advocate Expertise), Ieder(in).

104 Factors such as those described in the report: *Wel thuis? Literatuurstudie naar factoren die zelfstandig wonen van mensen met beperkingen beïnvloeden* (Safe at Home? Literature study into the factors influencing independent living among persons with a disability), SCP, November 2016, https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2016/Wel_thuis

105 *Zwartboek Ouders aan het woord* (Black Book Parents Speak Out, Ieder(in), May 2018, <https://iederin.nl/wp-content/uploads/2019/12/Zwartboek-Ouders-aan-het-woord-Jeugdzorg-2018.pdf>

106 Research by advocacy organizations Per Saldo and MantelzorgNL. <https://demonitor.kro-ncrv.nl/artikelen/gemeenten-ontmoedigen-gebruik-pgbs>

107 Information provided by spokesperson of PerSaldo based on statistics of the Sociale Verzekeringsbank (SVB) (Social Insurance Bank).

108 Sociaal en Cultureel Planbureau, *Veranderde zorg en ondersteuning voor mensen met een beperking. Landelijke evaluatie van de Hervorming Langdurige Zorg* (Changed care and support for persons with a disability. National Evaluation of Reforming Long-term Care), The Hague: SCP, 2018, p. 28. ; The number of personal budget holders (children and adults) declined by 29% between 2015 and 2017 (from 107,535 persons in 2015 to 76,852 in 2017).

109 See policy agenda of Minister Ollongren of the Ministry of the Interior: <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2017/11/13/aanbieding-staat-van-de-woningmarkt-2017/aanbieding-staat-van-de-woningmarkt-2017.pdf>

110 Ministry of the Interior and Kingdom Relations (2018), *De Staat van de Volkshuisvesting* (The State of Housing), p. 59

111 Human Rights Institute, College voor de Rechten van de Mens, *Inzicht in inclusie II* (Insight into Inclusion II): Utrecht, 2018

112 Estimate from *Living independently and being included in the community*, Country Report Netherlands 2019, <https://www.disability-europe.net/theme/independent-living>, combined with Vektis figures 2019, Factsheet Ambulantisering in de ggz (Factsheet on ambulant care in the mental health care sector) <https://www.vektis.nl/intelligence/publicaties/factsheet-ambulantisering-in-de-ggz>

113 Data from CBS (Statistics Netherlands). Table: Gebruik bijdrageplichtige Wlz- zorg; leveringsvorm, zzp, regio Changed on October 23, 2018: <https://mlzopendata.cbs.nl/#/MLZ/nl/dataset/40055NED/table?fromstatweb>

114 Data from CBS (Statistics Netherlands). Table: Gebruik bijdrageplichtige Wlz- zorg; leveringsvorm, zzp, region, changed on October 23, 2018: <https://mlzopendata.cbs.nl/#/MLZ/nl/dataset/40055NED/table?fromstatweb>; the number of disabled people younger than 65 living in institutions has increased from 95,975 in 2015 to 100.225 in 2017.

115 Supplemental data from CBSD about youth care reveals that nearly 11 percent of the youth receiving youth care (approx. 37,000) received residential youth care. 19,000 resided in a foster home. More than 4,000 were placed in care aimed at return to the family. Provisional figures compiled by CBS for 2019 show that nearly 1,800 young people were confined in closed facilities. More than 14,000 youth received another form of residential youth care. CBS Statline. *Jongeren met jeugdzorg; persoonskenmerken*. Gewijzigd op: 31 oktober 2019. <https://opendata.cbs.nl/statline/#/CBS/nl/dataset/84135NED/table?dl=2A132>; The following groups of disabled people living in institutions are: aged 65+ in nursing homes: approximately 170,000, with an intellectual disability: more than 75,000, with a physical disability: 9,500, with a sensory disability: 2,400, with a psychiatric disability: 45,000, disabled children: 10,000 to 13,000.

116 Factors such as those described in the report *Wel thuis? Literatuurstudie naar factoren die zelfstandig wonen van mensen met beperkingen beïnvloeden*. SCP November 2016. https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2016/Wel_thuis. See note 125; The following groups of disabled people living in institutions are: aged 65+ in nursing homes: approximately 170,000, with an intellectual disability: more than 75,000, with a physical disability: 9,500, with a sensory disability: 2,400, with a psychiatric disability: 45,000, disabled children: 10,000 to 13,000.

117 Manifesto prepared by the DPOs KansPlus, Sien, Naar Keuze, Vereniging Angelmansyndroom Nederland, Stichting Tubereuze Sclerose Nederland, SOL Limburg, Platform VG Zuidoost Brabant, Platform VG Midden en West Brabant, Platform VG Haaglanden, Op weg met de ander, Stichting Downsyndroom, LFB, LSR, Dit Koningskind, Helpende Handen, http://www.kansplus.nl/wp-content/uploads/2018/12/Manifest-VN-verdrag-voor-mensen-met-een-verstandelijke-beperking_def.pdf

118 Advocacy organization Kansplus and complaints lodged with Klokkeluiders VG (Whistle Blowers ID), <http://www.klokkeluidersvg.nl/images/klvg-zwartboek28112014.pdf>

119 Data from CBS. Table: *Gebruik bijdrageplichtige Wlz-zorg; leveringsvorm* (Use of mandatory personal contribution-dependent long-term care), zzp, region, changed on 23 October 2018, <https://mlzopendata.cbs.nl/#/MLZ/nl/dataset/40055NED/table?fromstatweb>

Article 20 Personal mobility

120 Experiences reported to UN Reporting Point (VN-vertelpunt) and in group interviews; also twitter messages placed by DPO Wij Staan Op! <https://twitter.com/PaulineGransier/status/1138705201601351682>

121 Numerous press releases, including in Magazine Personen vervoer. <https://pvmagazine.nl/commotie-over-rolstoelver-voer-in-buurtbussen/>

Article 21 Freedom of expression and opinion and access to information

122 <https://www.dovenschap.nl/wp-content/uploads/2019/03/20181018-Notitie-erkenning-NGT.pdf>

123 <https://nos.nl/nieuwsuur/Article/2300498-initiatiefwet-nederlandse-gebarentaal-erkennen-als-officiële-taal.html> and: Bill 34562, Proposal for a law to recognize Dutch Sign Language by MPs Kuiken, Dik-Faber and Van Eijs (Wet erkenning Nederlandse Gebarentaal), <https://zoek.officiëlebezoekmakingen.nl/kst-34562-6.html>

124 For baseline measurements see the report *Toegankelijkheid 2019, Websites en mobiele applicaties van Nederlandse overheidsinstellingen* (Accessibility 2019, Websites and mobile applications of Dutch government institutions), Stichting Accessibility, October 2019, in an appendix to a letter from the government to the lower chamber of Parliament, Voortgang digitale inclusie (Progress digital inclusion), https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2019Z20223&did=2019D42256

125 <https://mensenrechten.nl/nl/publicatie/38664>

Article 22 Respect for privacy

126 Vilans is the research institute and knowledge center on long-term care and monitors the privacy aspects of new technologies. See: <https://www.vilans.nl/Articleen/zorg-op-afstand-in-de-gehandicaptenzorg-risicos-en-alternatieven>

Article 23 Respect for Home and Family Life

127 Report by the Human Rights Institute to the CRPD Committee, CRM 2018. <https://publicaties.mensenrechten.nl/file/ec72451c-edd3-4ea5-abe7-0b0b-40c4d40c.pdf>, pp. 31-32

128 Experiences reported to DPO Ieder(in) <https://iederin.nl/nieuws/18188/mensen-met-een-beperking-betalen-hoge-prijs-voor-liefde/> and in group interviews with young people with a physical disability. An example: "In reality my falling in love threatens all of the support and compensation I currently receive. The moment we start living together, my sweetheart will be expected to act as my service provider ('voorliggende voorziening'). He will be my hairwasher, wheelchair chauffer, household help, reader, button pusher, logbook scribe, my co-payment doubler, terminator of my support subsidies."

129 Report *Wonen naar wens* (Living as one wishes), Ieder(in), 2018, <https://ie->

derin.nl/downloads/dl.php?l=1757_Rapport_Wonen_naar_wens_06_02_2019.pdf

130 CBS statistics show that 2.8million or 17 percent of the population lives alone.

<https://www.movisie.nl/Article/jongvolwassenen-kostendelersnorm-participatiewet-0> ; A painful quote: "My husband pays a high personal deductible for me under the Long-term Care Act of more than €500 per month. That feels very unfair and it means that we can't save to have children. I'm 36 and my husband is not quite 40. My physical disability is permanent and I will never be able to live without care."

131 <https://www.cbs.nl/nl-nl/nieuws/2019/34/aantal-daklo-zen-sinds-2009-meer-dan-verdubbeld>.

132 Reported in *Actieprogramma Dak- en thuisloze jongeren 2019-2021* (Action Program Homeless Youth 2019-2021), to the Parliament on March 14, 2019, <https://www.rijksoverheid.nl/documenten/rapporten/2019/03/14/actieprogramma-dak-en-thuisloze-jongeren-2019-2021> ; On January 1, 2016 10.700 young people between the age 18–27 were registered as homeless.

133 <https://www.rijksoverheid.nl/actueel/nieuws/2017/01/23/mensen-met-een-licht-verstandelijke-beperking-in-het-justi-tiele-domein>

Article 24 Education

134 Report *Passend onderwijs langs de lat van het Europees Sociaal Handvest* (Measuring the Appropriate Education Act against the European Social Charter), Defence for Children, February 2019, <https://defenceforchildren.nl/media/3513/passend-onderwijs-langs-de-lat-van-het-europees-sociaal-handvest-def.pdf>. Figures based on CBS statistics: http://statline.cbs.nl/Statweb/selection/?VVW=T&DM=SLNL&PA=71478ned&D1=0&D2=0&D3=9_percent2c14-15&D4=0_percent2c1&D5=0&D6=0_percent2c9-10_percent2c13-16&HDR=T_percent2cG2_percent2cG5_percent2cG3_percent2cG1&STB=G4

135 NRC Handelsblad, October 25, 2019: 'The influx of pupils in special education is so great that long waiting lists are reported and classes are overfull.' <https://www.nrc.nl/nieuws/2019/10/25/speciaal-onderwijs-kampt-met-lange-wachlijsten-en-onveilige-situaties-a3978020>

136 Country report on the European Semester – Netherlands, ANED, 2019, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands>

137 Algemene Rekenkamer (General Audit Office), *Resultaten verantwoordingsonderzoek 2016 Ministerie van Onderwijs, Cultuur en Wetenschap (VIII)* (Results of Investigation of Accounting 2016 Ministry of Education, Culture and Science), Report accompanying annual report, 2017, p. 19

138 De Staat van het Onderwijs 2019 (The State of Education 2019), Education Inspectorate, April 10, 2019, p. 39, <https://www.onderwijsinspectie.nl/documenten/rapporten/2019/04/10/rapport-de-staat-van-het-onderwijs-2019>

139 Jos Lubberman, et. al, *Leerlingverzuim in beeld. Een studie naar de cijfers en registratie van absoluut en relatief verzuim* (A look at school absenteeism: A study of the figures and registration re: absolute and relative truancy), ITS Nijmegen, September 2014, <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/rapporten/2016/02/03/cijfers-schoolverzuim-2014-2015/cijfers-> ; In addition there is a group of children who have been officially exempted from compulsory school attendance due to their disability. This group of children has grown from 3.317 in 2011 to 5.576 in 2018. These children are considered ineducable or are seen as requiring a degree of care too intensive for a school to manage.

140 Letter from the Minister for Primary and Secondary Education and Media of February 15, 2019, 1483118. See for developments around children who have been exempted from education on the ground of their disability also in the Country Report on the European Semester – Netherlands, ANED, 2019, p. 30, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands>

141 *Inzicht in Inclusie: Werk, wonen en onderwijs – participatie van personen met een handicap, een nulmeting* (Insight into Inclusion: Work, living and education – participation by persons with a disability, A baseline), July 14, 2016, <https://publicaties.mensenrechten.nl/file/fdb6d5de-dcb1-40e4-8f68-c804071849f4.pdf>

142 *Ibid, Inzicht in Inclusie: werk, wonen en onderwijs – participatie van mensen met een beperking, een nulmeting*, July 14, 2016, p.47, <https://publicaties.mensenrechten.nl/file/fdb6d-5de-dcb1-40e4-8f68-c804071849f4.pdf> ;

143 *Ibid, Inzicht in Inclusie II*, p. 37

144 See, e.g., the report *Schendingen Recht op Inclusief Onderwijs* (Violations of the Right to Inclusive Education), In1school, 2016. <https://in1school.nl/images/kennis-opinie/onderzoeken-in1school/Rapport-schendingen-recht-op-inclusief-onderwijs.pdf> and the problems reported by parents to DPO *Ieder(in) in Zwartboek: Ouders aan het woord. Jouw kind heeft een beperking, waar loop je tegen aan?* May 2018, <https://iederin.nl/nieuws/18280/zwartboek-kinderen-met-langdurige-beperking--dakloos--in-de-jeugdwet/>

145 Suspicion of domestic violence or child abuse can be reported to a hotline known as Veilig Thuis (Safe Home). A Safe Home report triggers an investigation into the safety of the child in their home situation. See, <https://veiligthuis.nl/contact/>

146 Study by the General Audit Office (*Algemene Rekenkamer*), May 2017, <https://www.rekenkamer.nl/publicaties/rapporten/2017/05/17/resultaten-verantwoordingsonderzoek-2016-bij-het-ministerie-van-onderwijs-cultuur-en-wetenschap>

- 147 News item from the General Teachers Union AOB, 'Samenwerkingsverbanden zien reserves verder groeien,' October 4, 2019, <https://www.aob.nl/nieuws/samenwerkingsverbanden-zien-reserves-verder-groeien/>
- 148 P. Huismans & P. Zontjens, *Leerrecht als structurele grondslag voor wetgeving Nederlands* (Right to learn as structural foundation for Dutch legislation), Centrum voor Onderwijsrecht (Center for Education Law), December 1, 2016, p.51,
- 149 Report *Schendingen recht op onderwijs* (Violations of the Right to Inclusive Education), In1school, 2016. <https://in1school.nl/images/kennis-opinie/onderzoek-ken-in1school/Rapport-schendingen-recht-op-inclusief-onderwijs.pdf>
- 150 Reported by parents of children with a disability.
- 151 Reported by parents of children with a disability.
- 152 Report *De Staat van het Onderwijs, Onderwijsverslag over 2016/2017* (The State of Education, Education Report over 2016/2017), 11 April 2018, p. 21, <https://www.onderwijs-inspectie.nl/documenten/rapporten/2018/04/11/rapport-de-staat-van-het-onderwijs>
- 153 *Studeren op het MBO met een beperking, zorgelijke ervaringen uit de praktijk* (Following vocational education with a disability, Worrying experiences in practice), parental advocacy groups Balans & Nederlandse Vereniging voor Autisme, September 2018, https://www.autisme.nl/wp-content/uploads/2019/01/dos-sier_mbo_2018.pdf
- 154 See the position paper of Annemie Wortelboer, Stages in Zuid, attached to the parliamentary hearing/round table discussion, *Studenten met een beperking in mbo en ho* (Students with a disability in vocational education and technical universities), April 10, 2019, https://www.tweedekamer.nl/debat_en_vergadering/commissievergaderingen/details?id=2019A00599; Examples were given at a parliamentary hearing in April 2019 of cases in which disabled students were wrongly deregistered as a result of administrative errors, that the adequacy of support depended on having a good mentor and that there is weak legal protection in the entire mbo sector (the largest post-secondary educational sector in the Netherlands).

Article 25 Health

- 155 *Jaarrapport 2018 Studeren met een handicap*, ECIO (Expertise centrum voor inclusief onderwijs), 2019 <https://www.ecio.nl/wp-content/uploads/sites/2/2019/10/ECIO-Jaarrapport-2018-Studeren-met-een-functiebeperking-1.pdf>
- 156 *Leidraad Algemeen medische zorg voor verstandelijk gehandicapten in VG-zorginstellingen* (Guideline for general medical care for persons with an intellectual disability in residential care), July 2019, https://www.lhv.nl/sites/default/files/content/lhv_nl/uploads/nieuws/leidraad_algemeen_medische_zorg_avg_2019_.pdf
- 157 Answers to questions by MP Slootweg (CDA) about the access to family physician care for disabled persons (2019 Z18608), <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2019/10/03/beatwoordingskammervragenoverdetoegangtothuisartsenzorgvoormensenmeteenbeperking/beantwoordingkamervragenoverdetoegangtothuisartsenzorgvoormensenmeteenbeperking.pdf>
- 158 Report by the National Ombudsman, *Zorgen voor burgers* (Caring for Citizens), May 2018, <https://www.nationaleombudsman.nl/nieuws/onderzoeken/2018030-zorgen-voor-burgers-onderzoek-naar-knelpunten-bij-de-toegang-tot-zorg>
- 159 CPB discussion paper 363, M. Non, *Co-payments in long term home care: do they affect the use of care?* 2017, <https://www.cpb.nl/sites/default/files/omnidownload/CPB-Discussion-Paper-363-Co-payments-in-long-term-home-care.pdf>
- 160 In 2014 the organizations Landelijke Platform GGZ (LPGGz), GGZ Nederland, Nederlands Instituut van Psychologen (NIP) and the Nederlandse Vereniging voor Psychiatrie (NVvP) sent a warning letter to the Upper Chamber of Parliament, February 14, 2019, that there 'is no guarantee' that children are receiving necessary care. An evaluative study, *De jeugd-GGZ na de Jeugdwet: een onderzoek naar knelpunten en kansen* (Youth mental health care since the Youth Act: A study of bottlenecks and opportunities), Nivel 2019, summarizes the problems encountered: municipalities' complaints about inadequate funding, growing waiting lists, increasing demand for youth care services, differences between municipalities in service provision, and little room for innovation. https://nivel.nl/sites/default/files/bestanden/De_jeugd_GGZ_na_de_Jeugdwet.pdf
- 161 The national Children's Ombuds(wo)man expressed her concerns about the integrated approach to children and youth in a letter to the minister on March 26, 2019. In particular the most vulnerable children with compound issues who have dealings with multiple agencies and regulations are not getting the help they need. There is a lack of coherence between youth care, youth protection, youth mental healthcare and appropriate education. And the Ombudswoman noted that the number of incidences in closed youth facilities was on the increase, reported in *De jeugd-GGZ na de Jeugdwet: een onderzoek naar knelpunten en kansen*, Nivel 2019, p. 14. https://nivel.nl/sites/default/files/bestanden/De_jeugd_GGZ_na_de_Jeugdwet.pdf
- 162 Country Report the Netherlands on Accessibility of Healthcare <https://www.disability-europe.net/downloads/227-aned-2014-task-4-nl-final>
- 163 <https://www.accessibility.nl/content/documents/MonitorToegankelijkheidZorg2017.pdf>

Article 26 Habilitation and Rehabilitation

164 News item of March 7, 2019 of the Dutch Care Authority (Nederlandse Zorgautoriteit) that the CAK does not have its internal procedures up to scratch for applying the rules without glitches, <https://www.nza.nl/actueel/nieuws/2019/03/07/cak-heeft-interne-processen-nog-niet-op-orde>

165 "Goedkoop is duurkoop, ook bij hulpmiddelen" (Cheap is Expensive, including for assistive devices), *Ieder(in)*, 19 March 2019, <https://iederin.nl/nieuws/18463/goedkoop-is-duurkoop--ook-bij-hulpmiddelen/>

Article 27 Work and Income

166 EUSIL UDB 2021- version 2 of August 2014, published in Country Report on the European Semester – Netherlands, 2014, [https://disability-europe.net/downloads/256-aned-2014-task-5-nl-final_and_EUSILC_UDB_2015--version_of_October_2017_\(and_previous_UDB\),_published_in_Country_Report_on_the_European_Semester--Netherlands_2018](https://disability-europe.net/downloads/256-aned-2014-task-5-nl-final_and_EUSILC_UDB_2015--version_of_October_2017_(and_previous_UDB),_published_in_Country_Report_on_the_European_Semester--Netherlands_2018)

167 Country Report on the European Semester – Netherlands 2018, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands>

168 EUSILC UDB 2012 –version 2 of August 2014, published in Country Report on the European Semester – Netherlands, 2014, p. 11, <https://www.disability-europe.net/downloads/256-aned-2014-task-5-nl-final>; Unemployment among disabled women increased from 7.8% to 10,7% and among disabled men from 7.4% to 9.3%. For nondisabled women the unemployment rate was 2.8% in 2012 and 5,3% in 2016. For nondisabled men this was 3.9% in 2012 and 5% in 2016.

169 EUSILC UDB 2015 –version October 2017 (and previous UDB), published in Country Report on the European Semester - Netherlands 2018, p. 25, 26, 33, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands>

170 *Inzicht in Inclusie II* (Insight into Inclusion II), College voor de Rechten van de Mens, 2018, <https://www.mensenrechten.nl/publicatie/5bac8e0f45a4ac2922fe704e>; Labor participation for disabled women increased from 52.8% in 2012 to 54.7% in 2016.

171 Nederlands Autisme Register rapportage 2018 (Report on adults with ASD 2018), NVA, p. 5, https://www.nederlandsau-tismeregister.nl/assets/Documenten/Rapport_percent201_RZ_vol-wassenen_percent20met_percent20Autisme_percent202018.pdf; Employment participation for nondisabled women was 76% in 2012 and 79.8% in 2016. Labor participation for disabled men was 65% in 2012 and 66% in 2016. 88,5% of nondisabled men was employed in 2012 and 89% in 2016.

172 In addition to general statistics collected by CBS about employment participation and unemployment, research institute Nivel reported in a study concerning participation in the period 2008-2016 that employment participation by persons with a physical or mild intellectual disability did not increase, *Participatiemonitor 2008-2016: Deelname aan de samenleving van persons with a disability en ouderen* (Participation Monitor 2008-2016: Social participation of persons with a disability and older persons), <https://nivel.nl/sites/default/files/bestanden/Participatie-monitor2008-2016.pdf>

173 SCP, *Eindevaluatie van de Participatiewet* (Final Evaluation of the Participation Act), 2019, <https://www.scp.nl/dsresource?objectid=7b18e53c-6865-48ee-aad9-eb4da6df590d&type=org>

174 Under this jobs decree, private sector businesses, trade unions and government commit to providing 125,000 jobs to persons with an employment disability by 2024 and agree to a binding quorum should they fall short on meeting this aim. Fulfillment of the commitment is on track. *Regionale trendrapportage banenafpraak UWV*, January 2019, <https://www.uwv.nl/overuwv/Images/trendrapportage-banenafpraak-q3-2018.pdf>

175 *UWV monitor arbeidsparticipatie 2017*, February 2018, <https://www.uwv.nl/overuwv/Images/uwv-monitor-arbeids-participatie-2017.pdf>

176 *Factsheet banenafpraak UWV January 2019* (Fact sheet Jobs Decree January 2019), <https://www.uwv.nl/overuwv/Images/factsheet-banenafpraak-q3-2018.pdf>; SEO, *2de rapportage Jonggehandicapten onder de participatiewet* (2d Report Young Disabled under the Participation Act), April 2019, SEO report nr.2019-27, p. 27: "The job growth for young disabled persons consists primarily of part-time jobs and short-term contracts. This is true in general for young people. This is even more so for young people with a disability as this group is often not able to work full-time and employers are possibly wary of giving them permanent contracts." http://www.seo.nl/uploads/media/2019-27_Jonggehandicapten_onder_de_Participatiewet.pdf

177 *Hoge verwachtingen: kansen en belemmeringen voor jongeren in 2019* (Great Expectations: Opportunities and Obstacles for Youth in 2019), Verkenning 19/11, SER, August 2019, p.111, <https://www.ser.nl/-/media/ser/downloads/adviezen/2019/hoge-verwachtingen.pdf>

178 See also the televised report by the program *De Monitor*, about being edged out of the employment market, <https://demonitor.kro-ncrv.nl/Article/enquete-participatiewet-leidt-tot-verdringing-op-de-arbeidsmarkt-tussen-mensen-met-een-handicap>

179 CESCR Concluding Observations 28 (2017) E/C.12/NLD/CO/6: "(...) The Committee further requests information on the persons in the target group who have been offered a permanent contract after two years' employment, disaggregated by sex, age and level of education."

180 *Jonggehandicapten onder de participatiewet* (Young Disabled under the Participation Act), 1st report, SEO Report no. 2018-07, January 2018, http://www.seo.nl/uploads/media/2018-07_Jonggehandicapten_onder_de_Participatiewet.pdf

181 UWV monitor arbeidsparticipatie 2017, February 2018, <https://www.uwv.nl/overuww/Images/uwv-monitor-arbeids-participatie-2017.pdf>

182 *Zorg Beter Begrepen. Verklaringen voor de groeiende vraag naar zorg voor mensen met een verstandelijke beperking* (Understanding Care Better. Explanations for the Growing Demand for Care for Persons with an Intellectual Disability), Social & Cultural Planning Bureau, The Hague, November 2014, p. 108, http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2014/Zorg_beter_begrepen

183 Report of October 9, 2019 that only 11 percent of employers think that in the next two years they will be able to hire someone with an employment disability, from research by the Social & Cultural Planning Bureau SCP, <https://digitaal.scp.nl/arbeids-markt-in-kaart-werkgevers-editie-2/nemen-werkgevers-mensen-met-arbeidsbeperkingen-in-dienst/>

184 *Regionale trendrapportage banenafpraak UWV*, Januari 2019 (Regional Trend Report Jobs Decree UWV), <https://www.uwv.nl/overuww/Images/trendrapportage-banenafpraak-q3-2018.pdf>

185 *Thermometer Beschut werk – wel budget, weinig werkplekken* (Thermometer Sheltered Work – there is budget but few work places), P. v. Leeuwen, E. Roetering, Landelijke Cliëntenraad (LCR), March 2019, <http://www.landelijkeclienraad.nl/Content/Downloads/LCR-Beschut-werk-thermometer.pdf> ; Around 11% of employers says that they in theory at least can think of ways to create a position for an employee with an employment disability.

186 Loondispensatieregeling Wajong (Salary Dispensation Youth Disability Act), see Article 5.

187 Benefits under the law Work Resumption by Partially Disabled Workers (*Werkhervatting Gedeeltelijk Arbeidsongeschikten* - WGA).

188 Country Report on the European Semester - Netherlands 2018, p. 29, <https://www.disability-europe.net/downloads/952-country-report-on-the-european-semester-netherlands>

189 Reported in group interviews

190 Reported in group interviews

Article 28 Adequate Standard of Living and Social Protection

191 EUSilcdata compiled for ANED, published in Country Profile – Netherlands and in Stefanos Grammenos, December 2018, European Comparative Data on Europe 2020 & People with Disabilities, <https://www.disability-europe.net/downloads/995-task-1-2018-2019-statistical-indicators-eu2020>, <https://www.disability-europe.net/downloads/997-country-profile-updated-nl>

192 *Koopkrachtontwikkelingen inkomensdynamiek* (Purchasing Power and Income Dynamics), CBS, article on website, November 2018, <https://longreads.cbs.nl/welvaartinnederland-2019/koopkrachtontwikkeling-en-inkomensdynamiek/>

193 Gemiddeld inkomen; particuliere huishoudens naar diverse kenmerken (Average income: Private households according to specific characteristics) <http://statline.cbs.nl/Statweb/publication/?DM=SLNL&PA=70843ned&D1=0,6&D2=0&D3=0,53&D4=a&HDR=G3,T&STB=G1,G2&VW=T> ; For nondisabled people poverty and social exclusion also increased in the same period, from 4,1% to 13%, but the poverty level of disabled people was well under that for nondisabled persons.

194 Stefanos Grammenos, December 2018, European Comparative Data on Europe 2020 & People with Disabilities, p. 339, <https://www.disability-europe.net/downloads/995-task-1-2018-2019-statistical-indicators-eu2020> ; Over the period 2000-2014 the income gap widened between households with a disabled member and those without. In 2000 the average income of households with a disabled person was 67% of that of households without disability, and in 2014 the average income fell to 56%.

195 Letter by the National Clients Council (LCR) to State Secretary van Ark of Social Affairs & Employment Opportunity, December 19, 2018, LCR Cliëntentoets Wajong (LCR client test Young Disabled), http://www.landelijkeclienraad.nl/Content/Downloads/LCR_percent2018-0093_percent20clienntoets_percent20wajong.pdf

196 Letter of December 19, 2019 by National Clients Council LCR to State Secretary Van Ark of Social Affairs and Employment Opportunity about the Client test Young Disabled, with a reference UWV Arbeidsparticipatie Monitor 2018, *Aan het werk zijn, komen en blijven van mensen met een arbeidsbeperking* (UWV Employment Participation Monitor 2018, On being employed, A coming and going of people with an employment disability), http://www.landelijke-clienraad.nl/Content/Downloads/LCR_percent2018-0093_percent20clienntoets_percent20wajong.pdf

Article 29 Participation in Politics and Public Life

197 <https://www.rijksoverheid.nl/onderwerpen/verkiezingen/vraag-en-antwoord/wanneer-mag-ik-stemmen-bij-verkiezingen>

198 <https://www.kiesraad.nl/verkiezingen/gemeenteraden/stemmen/uitsluiting-kiesrecht>

199 Kiesraad informatie: <https://www.kiesraad.nl/verkiezingen/provinciale-staten/stemmen/hulp-bij-stemmen>

200 Letter of April 18, 2019 by the Human Rights Institute to Minister Ollogren of Foreign Affairs informing her that the CRM reporting post Accessible Elections 2019, received 188 complaints about accessibility, including reports of

misinformation being given by polling station staff, <https://mensenrechten.nl/nl/publicatie/5cbcd43db55daa48dd78b6aa>

201 DPO leder(in) protested against the exclusion of support for persons with intellectual disabilities. The OSCE Office of Democratic Institutions and Human Rights (ODIHR) criticized the exclusion of support for persons with intellectual disabilities in a report about the Dutch parliamentary elections in 2017 as in conflict with the CRPD, http://www.osce.org/nl/odihr/elections/netherlan_ds/322761?download=true

202 <https://publicaties.mensenrechten.nl/file/7704a5df-4902-47ca-a371-95e1bdd46ac4.pdf>

203 Hees, S, et al., *Voting barriers and solutions: experiences of people with disabilities during the Dutch elections in 2017*, Disability & Society, 2019, no 5, p. 819-836, <http://postprint.nivel.nl/PPpp6871.pdf>

204 Kiesraad informatie <https://www.kiesraad.nl/actueel/nieuws/2018/05/22/advies-kiesraad-evaluatie-van-gemeenteraadsverkiezingen-en-referendum-over-wiv>

Article 30 Participation in cultural life, recreation, leisure and sport

205 Nivel Participatiemonitor, 2018, <https://www.nivel.nl/nl/publicatie/participatiemonitor-2008-2016-deelname-aan-de-samenleving-van-mensen-met-een-beperking>, zie figuur 2.1, p. 12 and table 2.1, p. 14 for an overview of activities and participation per group in comparison to the general population of persons 18 and older.

Article 31 Statistics and Data Collection

206 Persons without an independent address (persons living in residential care) are never called, just as people who find it difficult to understand the questions are not polled since they are not permitted to receive support and the questions are not permitted to be rephrased.

207 CBS, *Duurzame ontwikkelingsdoelen: de Stand voor Nederland* (Sustainable development goals: The Status of the Netherlands), published on March 7, 2018, <https://www.cbs.nl/nl-nl/publicatie/2018/10/duurzame-ontwikkelingsdoelen-de-stand-voor-nederland>; CBS is the first data collection institute in the world to make a 'baseline measurement' for the 17 Sustainable Development Goals (SDGs), but in their reports, data is not differentiated for disabled people.

208 <https://www.nivel.nl/nl/nationaal-panel-chronisch-zieken-en-gehandicapten/nationaal-panel-chronisch-zieken-en-gehandicapten>

209 <https://www.nivel.nl/nl/panel-samen-leven/panel-samen-leven>

210 *Inzicht in Inclusie in wonen, werken en onderwijs voor persons with a disability in 2012* (Insight into Inclusion in living, working and education for persons with a disability in 2012), July 14, 2016, <https://publicaties.mensenrechten.nl/file/fdb6d5de-dcb1-40e4-8f68-c804071849f4.pdf>

211 Onafhankelijke rapportage CRM (Independent reporting CRM), p. 27-28.

Article 32 International Cooperation

212 Letter to the Parliament, 'Nederlandse internationale inzet voor persons with a disability' ('Dutch international efforts for persons with a disability,' July 2, 2019: <https://www.rijksoverheid.nl/documenten/kamerstukken/2019/07/02/kamerbrief-over-nederlandse-internationale-inzet-voor-mensen-met-een-beperking>

213 <https://www.dccd.nl/dccds-response-to-the-parliamentary-letter-on-dutch-international-commitment-for-people-with-disabilities/>

214 Report by The Broker: <https://www.thebrokeronline.eu/tapping-into-untapped-potential/>

Article 33 National Implementation and Monitoring

215 General Comment 7, para. 14, 49, 53 and 54, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRPD/C/GC/7&Lang=en

Appendices

Appendix I – Report of consultation via UN Reporting Point ('VN-vertelpunt')

Appendix II – Consultation PWDs via Alliantie Questionnaire for NGO report on CRPD Implementation

Appendix III – Quotes from consultations via UN Reporting Point and Alliantie Questionnaire



Alliantie VN-verdrag Handicap

NGO Alternative Report on Implementation of the UN Convention on the Rights of Persons with a Disability

This shadow report was prepared on the basis of input by persons with a disability. The research and analysis was done by experienced human rights researchers: Jacqueline Schoonheim and José Smits, under the supervision of the Alliantie VN-verdrag Handicap. English language translation by Jacqueline Schoonheim.

