

Reference: C.N.489.2016.TREATIES-IV.15 (Depositary Notification)
Reissued

CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES
NEW YORK, 13 DECEMBER 2006

NETHERLANDS (FOR THE EUROPEAN PART OF THE NETHERLANDS): RATIFICATION

The Secretary-General of the United Nations, acting in his capacity as depositary, communicates the following:

The above action was effected on 14 June 2016, with:

Declarations (Original: English)

“Article 10

The Kingdom of the Netherlands acknowledges that unborn human life is worthy of protection. The Kingdom of the Netherlands interprets the scope of Article 10, in line with the relevant case law of the European Court of Human Rights on this issue, to the effect that such protection - and thereby the term ‘human being’ - is a matter of national legislation.

Article 12

The Kingdom of the Netherlands recognizes that persons with disabilities enjoy legal capacity on an equal basis with others in all aspects of life. Furthermore, the Kingdom of the Netherlands declares its understanding that the Convention allows for supported and substitute decision-making arrangements in appropriate circumstances and in accordance with the law. The Kingdom of the Netherlands interprets Article 12 as restricting substitute decision-making arrangements to cases where such measures are necessary, as a last resort and subject to safeguards.

Article 14

The Kingdom of the Netherlands recognizes that all persons with disabilities enjoy the right to liberty and security of person, and a right to respect for physical and mental integrity on an equal basis with others. Furthermore, the Kingdom of the Netherlands declares its understanding that the Convention allows for compulsory care or treatment of persons, including measures to treat mental illnesses, when circumstances render treatment of this kind necessary as a last resort, and the treatment is subject to legal safeguards.

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Article 15

The Kingdom of the Netherlands declares that it will interpret the term ‘consent’ in article 15 in conformity with international instruments and national legislation which is in line with these instruments. This means that, as far as biomedical research is concerned, the term ‘consent’ applies to two different situations:

1. Consent given by a person who is able to consent, and
2. In the case of persons who are not able to give their consent, permission given by their representative or an authority or body provided for by law.

The Kingdom of the Netherlands considers it important that persons who are unable to give their free and informed consent receive specific protection taking into consideration the importance of the development of medical science for the benefit of persons with a disability. In addition to the permission referred to under 2. above, other protective measures as included in international instruments are considered to be part of this protection.

Article 23

With regard to Article 23 paragraph 1(b), the Kingdom of the Netherlands declares that the best interests of the child shall be paramount.

Article 25

The Kingdom of the Netherlands interprets article 25 (a) to concern access to health care and the affordability of health care, and confirms that discrimination in such matters is not allowed. The Kingdom of the Netherlands considers it also important that health care professionals may determine which health care is provided based on medical grounds and its expected (in)effectiveness.

The individual autonomy of the person is an important principle laid down in Article 3 (a) of the Convention. The Kingdom of the Netherlands understands Article 25 (f) in the light of this autonomy. This provision is interpreted to mean that good care involves respecting a person's wishes with regard to medical treatment, food and fluids, and that a decision to withhold any of these can also be based on medical grounds.

Article 29

The Kingdom of the Netherlands is fully committed to ensure the effective and full exercise by persons with disabilities of their right and opportunity to vote by secret ballot. It recognizes the importance of persons with disabilities to have, where necessary, at their request, assistance in voting. To safeguard voting by secret ballot without intimidation, as provided for in article 29 (a) (ii), and to ensure the principle of one vote per person, the Kingdom of the Netherlands declares that it will interpret the term ‘assistance’ in article 29 (a) (iii) as assistance only to be effected outside the voting booth, except with regard to assistance required due to a physical disability, in which case assistance may also be permitted inside the voting booth.”

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The Convention will enter into force for the Netherlands on 14 July 2016 in accordance with its article 45 (2) which reads as follows:

“For each State or regional integration organization ratifying, formally confirming or acceding to the present Convention after the deposit of the twentieth such instrument, the Convention shall enter into force on the thirtieth day after the deposit of its own such instrument.”

14 July 2016

A handwritten signature in black ink, consisting of stylized, overlapping loops and lines, positioned below the date.

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