

COUNTRY PROFILE FOR NETHERLANDS

Status of Ratifications

Human Rights Instrument : (Date into force)	Ratification Status	Declaration
International Convention on the Elimination of All Forms of Racial Discrimination :1969	Signature: 1966, Ratification/Accession: 1971	✓
International Covenant on Civil and Political Rights :1976	Signature: 1969, Ratification/Accession: 1978	✓
Optional Protocol to the International Covenant on Civil and Political Rights :1976	Signature: 1969, Ratification/Accession: 1978	
Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty :1991	Signature: 1990, Ratification/Accession: 1991	
International Covenant on Economic, Social and Cultural Rights :1976	Signature: 1969, Ratification/Accession: 1978	✓
Optional Protocol to the International Covenant on Economic, Social and Cultural Rights :2013	Signature: 2009, Ratification/Accession: NA	
Convention on the Elimination of All Forms of Discrimination against Women :1981	Signature: 1980, Ratification/Accession: 1991	✓
Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women :2000	Signature: 1999, Ratification/Accession: 2002	
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :1987	Signature: 1985, Ratification/Accession: 1988	✓
Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment :2006	Signature: 2005, Ratification/Accession: 2010	
Convention on the Rights of the Child :1990	Signature: 1990, Ratification/Accession: 1995	✓
Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict :2002	Signature: 2000, Ratification/Accession: 2009	✓
Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography :2002	Signature: 2000, Ratification/Accession: 2005	
Optional Protocol to the Convention on the Rights of the Child on a communications procedure :2014	Signature: NA, Ratification/Accession: NA	
International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families :2003	Signature: NA, Ratification/Accession: NA	
International Convention for the Protection of all Persons from Enforced Disappearance :2010	Signature: 2008, Ratification/Accession: 2011	✓
Convention on the Rights of Persons with Disabilities :2008	Signature: 2007, Ratification/Accession: 2016	✓
Optional Protocol to the Convention on the Rights of Persons with Disabilities :2008	Signature: NA, Ratification/Accession: NA	

Declarations

Ratifications (Acronym)	Declarations
<p>International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)</p>	<p>In accordance with article 14, paragraph 1, of the Convention on the Elimination of All Forms of Racial Discrimination concluded at New York on 7 March 1966, the Kingdom of the Netherlands recognizes, for the Kingdom in Europe, Surinam and the Netherlands Antilles, the competence of the Committee for the Elimination of Racial Discrimination to receive and consider communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation, by the Kingdom of the Netherlands, of any of the rights set forth in the above-mentioned Convention.</p> <p>See also notes 1 and 2 under "Netherlands" regarding Aruba/Netherlands Antilles in the "Historical Information" section in the front matter of this volume.</p>
<p>International Covenant on Civil and Political Rights (ICCPR)</p>	<p>Reservations: "Article 10 "The Kingdom of the Netherlands subscribes to the principle set out in paragraph 1 of this article, but it takes the view that ideas about the treatment of prisoners are so liable to change that it does not wish to be bound by the obligations set out in paragraph 2 and paragraph 3 (second sentence) of this article. "Article 12, paragraph 1 "The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate territories of a State for the purpose of this provision. "Article 12, paragraphs 2 and 4 "The Kingdom of the Netherlands regards the Netherlands and the Netherlands Antilles as separate countries for the purpose of these provisions. "Article 14, paragraph 3 (d) "The Kingdom of the Netherlands reserves the statutory option of removing a person charged with a criminal offence from the court room in the interests of the proper conduct of the proceedings. "Article 14, paragraph 5 "The Kingdom of the Netherlands reserves the statutory power of the Supreme Court of the Netherlands to have sole jurisdiction to try certain categories of persons charged with serious offences committed in the discharge of a public office. "Article 14, paragraph 7 "The Kingdom of the Netherlands accepts this provision only insofar as no obligations arise from it further to those set out in article 68 of the Criminal Code of the Netherlands and article 70 of the Criminal Code of the Netherlands Antilles as they now apply. They read: "1. Except in cases where court decisions are eligible for review, no person may be prosecuted again for an offence in respect of which a court in the Netherlands or the Netherlands Antilles has delivered an irrevocable judgement. "2. If the judgement has been delivered by some other court, the same person may not be prosecuted for the same offence in the case of (I) acquittal or withdrawal of proceeding or (II) conviction followed by complete execution, remission or lapse of the sentence. "Article 19, paragraph 2 "The Kingdom of the Netherlands accepts the provision with the proviso that it shall not prevent the Kingdom from requiring the licensing of broadcasting, television or cinema enterprises. "Article 20, paragraph 1 "The Kingdom of the Netherlands does not accept the obligation set out in this provision in the case of the Netherlands." "[The Kingdom of the Netherlands] clarify that although the reservations [...] are partly of an interpretational nature, [it] has preferred reservations to interpretational declarations in all cases, since if the latter form were used doubt might arise concerning whether the text of the Covenant allows for the interpretation put upon it. By using the reservation from the Kingdom of the Netherlands wishes to ensure in all cases that the relevant obligations arising out of the Covenant will not apply to the Kingdom, or will apply only in the way indicated. 11 October 2010 Declaration: "...The Kingdom of the Netherlands, consisting, as per 10 October 2010, of the European part of the Netherlands, the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), Aruba, Curaçao and Sint Maarten, regards these parts as separate territories for the purpose of Article 12, paragraph 1, and as separate countries for the purpose of Article 12, paragraphs 2 and 4, of the Covenant." 11 December 1978 "The Kingdom of the Netherlands declares under article 41 of the International Covenant on Civil and Political Rights that it recognizes the competence of the Human Rights Committee referred to in article 28 of the Covenant to receive and consider communications to the effect that a State Party claims that another State Party is not fulfilling its obligations under the Covenant."</p>
<p>International Covenant on Economic, Social and Cultural Rights (ICESCR)</p>	<p>Reservation with respect to Article 8, paragraph 1 (d) "The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles with regard to the latter's central and local government bodies." [The Kingdom of the Netherlands] clarify that although it is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned."</p>
<p>Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)</p>	<p>Declaration: "During the preparatory stages of the present Convention and in the course of debates on it in the General Assembly the position of the Government of the Kingdom of the Netherlands was that it was not desirable to introduce political considerations such as those contained in paragraphs 10 and 11 of the preamble in a legal instrument of this nature. Moreover, the considerations are not directly related to the achievement of total equality between men and women. The Government of the Kingdom of the Netherlands considers that it must recall its objections to the said paragraphs in the preamble at this occasion."</p>
<p>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)</p>	<p>Interpretative declaration with respect to article 1: "It is the understanding of the Government of the Kingdom of the Netherlands that the term "lawful sanctions" in article 1, paragraph 1, must be understood as referring to those sanctions which are lawful not only under national law but also under international law." "With respect to article 21: The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture under the conditions laid down in article 21, to receive and consider communications to the effect that another State Party claims that the Kingdom is not fulfilling its obligations under this Convention; "With respect to article 22: The Government of the Kingdom of the Netherlands hereby declares that it recognizes the competence of the Committee against Torture, under the conditions laid down in article 22, to receive and consider communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by the Kingdom of the provisions of the Convention."</p>

<p>Convention on the Rights of the Child (CRC)</p>	<p>Reservations: "Article 26: The Kingdom of the Netherlands accepts the provisions of article 26 of the Convention with the reservation that these provisions shall not imply an independent entitlement of children to social security, including social insurance. "Article 37: The Kingdom of the Netherlands accepts the provisions of article 37 (c) of the Convention with the reservation that these provisions shall not prevent the application of adult penal law to children of sixteen years and older, provided that certain criteria laid down by law have been met. "Article 40: The Kingdom of the Netherlands accepts the provisions of article 40 of the Convention with the reservation that cases involving minor offences may be tried without the presence of legal assistance and that with respect to such offences the position remains that no provision is made in all cases for a review of the facts or of any measures imposed as a consequence."</p> <p>Declarations: "Article 14: It is the understanding of the Government of the Kingdom of the Netherlands that article 14 of the Convention is in accordance with the provisions of article 18 of the International Covenant on Civil and Political Rights of 19 December 1966 and that this article shall include the freedom of a child to have or adopt a religion or belief of his or her choice as soon as the child is capable of making such choice in view of his or her age or maturity. "Article 22: With regard to article 22 of the Convention, the Government of the Kingdom of the Netherlands declares: a) that it understands the term "refugee" in paragraph 1 of this article as having the same meaning as in article 1 of the Convention relating to the Status of Refugees of 28 July 1951; and b) that it is of the opinion that the obligation imposed under the terms of this article does not prevent - the submission of a request for admission from being made subject to certain conditions, failure to meet such conditions resulting in inadmissibility; - the referral of a request for admission to a third State, in the event that such a State is considered to be primarily responsible for dealing with the request for asylum. "Article 38 With regard to article 38 of the Convention, the Government of the Kingdom of the Netherlands declares that it is of the opinion that States would not be allowed to involve children directly or indirectly in hostilities and that the minimum age for the recruitment or incorporation of children in the armed forces should be above fifteen years. In times of armed conflict, provisions shall prevail that are most conducive to guaranteeing the protection of children under international law, as referred to in article 41 of the Convention."</p>
<p>Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (OP-CRC-AC)</p>	<p>Declaration: "... in accordance with Article 3, paragraph 2, of the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict (New York, 25 May 2000), the Government of the Kingdom of the Netherlands declares that the minimum age at which the legislation in the Netherlands permits voluntary recruitment into its national Armed Forces for both soldiers and commissioned or non-commissioned officers, remains eighteen years. However, persons that have reached the age of seventeen years, may on a strictly voluntary basis be recruited as military personnel in probation. The relevant legislation in the Netherlands provides the following safeguards to ensure that such recruitment of persons under the age of eighteen years is not forced or coerced: 1. Appointment of such persons under the age of 18 years as a member of the armed forces in probation is only permitted with written consent of the parents of this person. 2. When the age of eighteen years has been reached, the member of the armed forces on probation can only become a regular soldier after having given written consent to this effect. Moreover, the Law on Military Personnel 1931 ensures that a person under the age of eighteen years will not participate in an armed conflict, providing in particular that members of the armed forces on probation will not be tasked with peacekeeping or humanitarian missions, or any other form of armed service. The above does not apply to the Netherlands Antilles and Aruba. The relevant legislation in the Netherlands Antilles and in Aruba sets the minimum age for joining the military service and other armed forces at 18 years. Furthermore, voluntary recruitment does not exist in the Netherlands Antilles [and] Aruba." 11 October 2010 In a communication dated 29 September 2010, the Government of the Kingdom of the Netherlands informed the Secretary-General of the following: "The [Optional Protocol is] extended to the Caribbean part of the Netherlands (Bonaire, Sint Eustatius and Saba) as per 10 October 2010"</p>
<p>International Convention for the Protection of all Persons from Enforced Disappearance (CPED)</p>	<p>21 December 2017 "In accordance with Article 31 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for Aruba, declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the Kingdom of the Netherlands of provisions of this Convention. In accordance with Article 32 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for Aruba, declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention." Article 31: "In accordance with Article 31 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for the European part of the Netherlands and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications from or on behalf of individuals subject to its jurisdiction claiming to be victims of a violation by the Kingdom of the Netherlands of provisions of this Convention."</p> <p>Article 32: "In accordance with Article 32 of the International Convention for the Protection of all Persons from Enforced Disappearance, the Kingdom of the Netherlands, for the European part of the Netherlands and the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba), declares that it recognizes the competence of the Committee on Enforced Disappearances to receive and consider communications in which a State Party claims that another State Party is not fulfilling its obligations under this Convention."</p>
<p>Convention on the Rights of Persons with Disabilities (CRPD)</p>	<p>Déclarations made upon ratification: "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</p>

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.

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." Declarations made upon signature: "The Kingdom of the Netherlands hereby expresses its intention to ratify the Convention on the Rights of Persons with Disabilities, subject to the following declarations and such further declarations and reservations as it may deem necessary upon ratification of the Convention. Article 10 The Kingdom of the Netherlands acknowledges that unborn human life is worthy of protection. The Kingdom interprets the scope of Article 10 to the effect that such protection - and thereby the term 'human being' - is a matter for national legislation. Article 15 The Netherlands declares that it will interpret the term 'consent' in Article 15 in conformity with international instruments, such as the Council of Europe Convention on Human Rights and Biomedicine and the Additional Protocol concerning Biomedical Research, and with 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 Netherlands considers it important that persons who are unable to give their free and informed consent receive specific protection. In addition to the permission referred to under 2. above, other protective measures as included in the above-mentioned international instruments are considered to be part of this protection. Article 23 With regard to Article 23 paragraph 1 (b), the Netherlands declares that the best interests of the child shall be paramount. Article 25 The individual autonomy of the person is an important principle laid down in Article 3 (a) of the Convention. 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."