

THE NETHERLANDS

DISABILITY

RESERVATIONS AND DECLARATIONS

(Unless otherwise indicated, the reservations and declarations were made upon ratification, accession or succession)

Declarations made upon signature:

"The 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."

OBJECTIONS MADE TO OTHER STATES PARTIES RESERVATIONS AND DECLARATIONS

(Ed. Note: for the text targeted by the following objections, see the Reservations and Declarations of the State which is the subject of the objection)

22 January 2009

With regard to the reservation made by El Salvador upon signature and confirmed upon ratification

“The Government of Kingdom of the Netherlands has carefully examined the reservation made by the Government of the Republic of El Salvador upon signature and confirmed upon ratification to the Convention on the Rights of Persons with Disabilities, done at New York on 13 December 200[6].

The Government of the Kingdom of the Netherlands considers that with this reservation the application of the Convention is made subject to the constitutional law in force in the Republic of El Salvador. This makes it unclear to what extent the Republic of El Salvador considers itself bound by the obligations of the Convention.

The Government of the Kingdom of the Netherlands considers that such a reservation must be regarded as incompatible with the object and purpose of the said instrument and would recall that, according to Article 46, paragraph 1 of the Convention, a reservation incompatible with the object and purpose of the Convention shall not be permitted.

The Government of the Kingdom of the Netherlands therefore objects to the reservation made by the Government of the Republic of El Salvador to the Convention on the Rights of Persons with Disabilities.

It is the understanding of the Government of the Kingdom of the Netherlands that the reservation of the Government of the Republic of El Salvador does not exclude or modify the legal effect of the provisions of the Convention in their application to the Republic of El Salvador.

This objection does not constitute an obstacle to the entry into force of the Convention between the Kingdom of the Netherlands and the Republic of El Salvador.”