Netherlands Institute for Human Rights

**Subject: Human Rights Council resolution 31/6**

**1.        Has your country adopted legislation establishing disability as a prohibited ground of discrimination, including denial of reasonable accommodation as discrimination? Please provide details on any related legal reforms.**

Since 2003 the Act on equal treatment on the grounds of disability or chronic illness is in force in the Netherlands. This Act establishes that discrimination on disability and chronical illness is prohibited in the field of employment, education, residence, public transport and goods & services.

The prohibition of discrimination also means that the persons on whom this prohibition is imposed are obliged to make reasonable accommodations according to need, unless this would impose a disproportionate burden on them.

Due to the ratification of the Convention on the Rights of Persons with Disabilities by the Netherlands on June 14, 2016 the Disability Act now also includes the field of goods and services, which means that reasonable accommodation now also has to be provided in the field of goods and services.

**2.        Does your country apply an objective test to determine if an accommodation requested by a person with disability is undue or disproportionate? If so, please describe the tests and their different elements (500 words).**

There is not an objective test to determine if an accommodation is undue or disproportionate. However the legislator has determined that the following factors can help determine if an accommodation is disproportionate:

* The size of the organization
* The costs and investments needed for the accommodation
* Financial compensation available for accommodation
* The feasibility of the accommodation
* The financial strength of the organization

And if it concerns an accommodation in a work situation:

* The length of the contract

And if it concerns an accommodation in a school setting:

* The impact of the accommodation on other students
* The availability of the same kind of education in the area

**3.        Does your country apply affirmative actions for combating structural discrimination against persons with disabilities? If so, please describe how are these measures being applied and enforced (500 words).**

The Netherlands has made a National Action Plan on Human Rights which pays attention to non-discrimination and equal treatment. However there is no specific paragraph on discrimination against persons with disabilities. The Disability Act makes it possible to take affirmative action measures. However, these measures are not used on a large scale in the Netherlands.

4.        Does your country have laws, policies and strategies for combating discrimination against women and children with disabilities? Please, describe how these policies are reflected in legislation and policy frameworks (500 words).

The Netherlands has laws, policies and strategies for combating discrimination against women, but not specifically for women and children with disabilities. However, the Discrimination Act does forbid schools to discriminate on basis of disability.

5.        Is your country monitoring and collecting disaggregated data on discrimination against persons with disabilities, including gender, age and impairment disaggregation?

Yes, although it is not clear yet if all the relevant data is being collected to monitor the implementation of CRPD. The Netherlands Institute for Human Rights will focus on this obligation while monitoring the implementation of CRPD.

        I would be grateful if you could send relevant and accessible information to the Office of the United Nations High Commissioner for Human Rights (United Nations Office at Geneva, CH 1211 Geneva 10; fax. +41 22 917 90 08;
**e-mail:** **registry@ohchr.org****) by 30 June 2016**. The information provided will be made available on the OHCHR website. Therefore, I kindly ask for your contributions to be provided in accessible formats. Please do not hesitate to contact **Mr. Facundo Chávez Penillas at** **disability@ohchr.org** if you have any questions.

        I thank you in advance for your contribution to this important thematic study.