**Ratification of Article 12 of the CRPD**

Indicators on political participation

of persons with disabilities

2014

DISCLAIMER: The background country information reports contain background material for the comparative report on *The right to political participation for persons with disabilities: human rights indicators* by the European Union Agency for Fundamental Rights (FRA). The bulk of the information in the background country information reports comes from ad hoc information reports prepared under contract by the FRA’s research network FRANET. The views expressed in the background country information reports do not necessarily reflect the views or the official position of the FRA. These reports are made publicly available for information purposes only and do not constitute legal advice or legal opinion.

**Have EU Member States ratified the CRPD without a reservation or declaration to Article 12?**

|  |  |
| --- | --- |
| **EUMS** | **Source and supporting information** |
| AT | Yes, 26 September 2008[[1]](#footnote-1) |
| BE | Yes, 2 July 2009 |
| BG | Yes, 22 March 2012 |
| CY | Yes, 27 June 2011 |
| CZ | Yes, 28 September 2009 |
| DE | Yes, 24 February 2009 |
| DK | Yes, 24 July 2009 |
| EE | The following declaration has been made: “*The Republic of Estonia interprets article 12 of the Convention as it does not forbid to restrict a person’s active legal capacity, when such need arises from the person’s ability to understand and direct his or her actions. In restricting the rights of the persons with restricted active legal capacity the Republic of Estonia acts according to its domestic laws*.” |
| EL | Yes, 31 May 2012 |
| ES | Yes, 3 December 2007 |
| FI | CRPD signed on the 30 March 2007, not yet ratified[[2]](#footnote-2)  As per Programme of the Finnish Government, a working group was appointed for the period 16th of May 2011 until the 31st of December 2013. The objective of the working group is to ratify the UN Convention on the Rights of Persons with Disabilities and its Optional Protocol. The working group charts the measures required to ratify the convention and drafts a memorandum to the Government.[[3]](#footnote-3) |
| FR | No, declaration states that legal capacity “may not be restricted except in the conditions and in accordance with the modalities provided for in Article 12 of the Convention”, which it interprets as permitting a judge to deprive a person with a disability of the right to vote. |
| HR | Yes, 15 August 2007 |
| HU | Yes, 20 July 2007 |
| IE | CRPD has been neither signed nor ratified |
| IT | Yes, 15 May 2009 |
| LT | Yes, 18 August 2010 |
| LU | Yes, 26 September 2011 |
| LV | Yes, 1 March 2010 |
| MT | Yes, 10 October 2012 |
| NL | Signed on 30 March 2007, not yet ratified. The Ministry of Health, Welfare and Sport has published two draft bills on the ratification of the CRPD for the purposes of online consultation: a Ratification Act (*Goedkeuringswet*) stipulating the enactment of the CRPD for the Netherlands[[4]](#footnote-4) and an Implementation Act (*Uitvoeringswet*) defining the legal reforms necessary for CRPD ratification.[[5]](#footnote-5) |
| PL | Poland made an interpretative declaration upon ratification:  “The Republic of Poland declares that it will interpret Article 12 of the Convention in a way allowing the application of the incapacitation [*ubezwłasnowolnienie*], in the circumstances and in the manner set forth in the domestic law, as a measure indicated in Article 12.4, when a person suffering from a mental illness, mental disability or other mental disorder is unable to control his or her conduct.” [[6]](#footnote-6)  The Ministry of Justice is currently working on an amendment to the Civil Code related to legal incapacitation.[[7]](#footnote-7) |
| PT | Yes, 23 September 2009 |
| RO | Yes, 15 December 2008 |
| SE | Yes, 15 December 2008 |
| SI | Yes, 24 April 2008 |
| SK | Yes, 26 May 2010 |
| UK | Yes, 8 June 2009 |

1. UN (2013), Treaty Collection, available at: <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en>. [↑](#footnote-ref-1)
2. <http://www.un.org/disabilities/countries.asp?navid=12&pid=166>; <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [↑](#footnote-ref-2)
3. Information about the working group in Finnish from the Government Project Registry website HARE (accessed 7.8.2013): <http://www.hare.vn.fi/mHankePerusSelaus.asp?h_iId=17591> [↑](#footnote-ref-3)
4. Netherlands, State Secretary of of Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), *Ambtelijk concept: Rijkswet van ... tot goedkeuring van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169)*), available at: http://internetconsultatie.nl/vnverdraghandicap/document/764. [↑](#footnote-ref-4)
5. Netherlands, State Secretary of of Health, Welfare and Sport (*Staatssecretaris van Volksgezondheid, Welzijn en Sport*) (2013), *Ambtelijk concept: Rijkswet van ... tot uitvoering van het op 13 december 2006 te New York tot stand gekomen Verdrag inzake de rechten van personen met een handicap (Trb. 2007, 169)*), available at : http://internetconsultatie.nl/vnverdraghandicap/document/766. [↑](#footnote-ref-5)
6. <http://www.un.org/disabilities/countries.asp?navid=12&pid=166> and

   <http://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&lang=en> [↑](#footnote-ref-6)
7. NFP contribution to FRA Annual Report 2013, forthcoming. [↑](#footnote-ref-7)