

## UNKNOWN, UNLOVED.

### The Dutch struggle towards ratification of the Convention on the Rights of Persons with Disabilities



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Nina Timmermans (1973) is vrijwillig buddy en rolmodel voor jongeren die een steuntje in de rug kunnen gebruiken (sinds 2012). Daarnaast is zij oplossingsgericht begeleider van schoolklassen, supportgroepen en individuele leerlingen ter versterking van het zelfvertrouwen en de sociale vaardigheden van leerlingen en ter bevordering van een schoolbrede vriendelijke en ondersteunende sfeer (sinds 2014).

For **Tim Ribberink** (1 January 1992 – 1 November 2012)

His suicide made an end to his life dominated by bullying, harassment and social exclusion.

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## **1. PROBLEM POSING: SOCIAL EXCLUSION IN THE NETHERLANDS**

Over half of all Europeans consider discrimination on grounds of disability to be widespread in the European Union.<sup>1</sup> People with disabilities face many barriers to their participation and recognition as full and equal members of society, including in the Netherlands. Most people with disabilities (myself included) consider society's attitude to be the biggest barrier to their full integration. Despite existing international human rights law, people with disabilities are still confronted with unacceptable attitudes based on existing prejudices, fear, low expectations and distrust in their abilities.

According to the Committee of Ministers of the Council of Europe, these negative attitudes could be changed through effective awareness raising strategies involving a range of stakeholders.<sup>2</sup> A measure of awareness raising stipulated in the Convention on the Rights of Persons with Disabilities (hereafter "CRPD")<sup>3</sup> is fostering an attitude of respect for the rights of persons with disabilities at all levels of the education system. If citizens are well-informed about human rights and evolve in an inclusive educational system welcoming human diversity, eventually this will positively affect people's attitudes within the government, on the labor market and in society at large.

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<sup>1</sup> Special Eurobarometer 317 by the European Commission: Discrimination in the EU in 2009, Fieldwork May-June 2009, Report Publication November 2009.

<sup>2</sup> Page 29 of the Council of Europe Recommendation Rec(2006)5 of the Committee of Ministers to Member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015, adopted by the Committee of Ministers on 5 April 2006 at the 961st meeting of the Ministers' Deputies.

<sup>3</sup> Article 8.2 (b) of the Convention on the Rights of Persons with Disabilities and Optional Protocol, adopted by United Nations General Assembly resolution A/RES/61/106 of 13 December 2006.

Respect for differences and respect for human rights start as early as (pre)school. Article 13 of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education<sup>4</sup> stipulates that in all areas of education, Member States should promote educational approaches and teaching methods which aim at learning to live together in a democratic and multicultural society and at enabling learners to acquire the knowledge and skills to promote social cohesion, value diversity and equality, appreciate differences – particularly between different faith and ethnic groups – and settle disagreements and conflicts in a non-violent manner with respect for each other's rights, as well as to combat all forms of discrimination and violence, especially bullying and harassment.

The Netherlands is a Member State of the Council of Europe. The solution to combat negative attitudes towards people with disabilities seems simple and at hand. The Dutch ratification of the CRPD (which is not expected before 2015) will merely repeat the fundamental principles of existing international human rights law. This being said, it will be demonstrated in this essay that the Government of the Netherlands does not put effort in awareness raising on human diversity and (dis)ability. Furthermore, human rights education is not compulsory despite existing and future international human rights law. It remains to be seen whether the CRPD with its explicit goal of full inclusion can serve as a catalyst of positive change in the Netherlands.

Meanwhile, during the ratification process of the CRPD, huge changes are taking place in the Netherlands affecting children and adults with disabilities. Institutions are being closed down and people with disabilities must live longer at home (with their parents). The social security

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<sup>4</sup> Recommendation CM/Rec(2010)7 on the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, adopted by the Committee of Ministers of the Council of Europe on 11 May 2010.

systems and support for people with disabilities change drastically accompanied with major budget cuts and reducing the participation of people with disabilities. The new Tailored Education Act will change the educational system reducing the freedom of choice and the right to education. Many changes in the Netherlands are accompanied by cost reductions increasing poverty and social exclusion.

The Netherlands Institute for Human Rights wonders whether the many budgetary cutbacks are not in fact contradictory to the *stand still* stipulation<sup>5</sup> of Article 18 of the Vienna Convention on the Law of Treaties<sup>6</sup> which stipulates that once a convention is signed, a state is obliged to refrain from acts which would defeat the object and purpose of the convention. According to the Netherlands Institute for Human Rights, people with disabilities are currently facing a series of economic cutbacks that could put many of them at a serious disadvantage.

In this essay the Dutch struggle towards ratification of the Convention on the Rights of Persons with Disabilities will be demonstrated. Firstly the scope of the CRPD and the efforts of the key stakeholders in the Netherlands will be described in Chapter 2. In Chapter 3 the legal context and political climate with regard to disability and discrimination in the Netherlands will be outlined. Subsequently the interrelated absence of human rights education in the Netherlands will be discussed in Chapter 4. Finally, the role of the European Union is reviewed more closely in Chapter 5. In the concluding remarks hope is expressed that joint efforts of key stakeholders will result in a Dutch ratification in letter and spirit.

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<sup>5</sup> Universal Periodic Review of the Netherlands for the UN Human Rights Council, Second Cycle 2012.

<sup>6</sup> Convention on the Law of Treaties adopted on 22 May 1969 in Vienna, General Assembly resolutions 2166 (XXI) of 5 December 1966 and 2287 (XXII) of 6 December 1967.

## **2. THE CRPD AND ITS KEY STAKEHOLDERS**

### **2.1 The United Nations**

The United Nations Convention on the Rights of Persons with Disabilities (2006) is a legally binding instrument as opposed to the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993).<sup>7</sup> Although not a legally binding instrument, the Standard Rules served as an instrument for policy-making and as a basis for technical and economic cooperation. Already in 1993 these Rules incorporated the human rights perspective which had developed during the last decade. As of 8 January 2014 the Convention counts 158 signatories and 139 ratifications. The Optional Protocol<sup>8</sup> counts 92 signatories and 79 ratifications. Both the Convention and its Protocol entered into force on 3 May 2008.

The CRPD's purpose is to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. In the preamble of the CRPD State Parties recognize that disability results from the interaction between persons with impairments and attitudinal and environmental barriers that hinders their full and effective participation in society on an equal basis with others.

Discrimination against any person on the basis of disability is a violation of the inherent dignity and worth of the human person. Article 3 of the Convention explicitly stipulates the principle of non-discrimination. In Article 24, States Parties recognize the right of persons with disabilities to

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<sup>7</sup> Standard Rules on the Equalization of Opportunities for Persons with Disabilities, adopted by United Nations General Assembly resolution 48/96, annex, of 20 December 1993.

<sup>8</sup> The Optional Protocol regulates for State Parties to recognize the competence of the Committee on the Rights of Persons with Disabilities ("the Committee") to receive and consider communications from or on behalf of individuals or groups of individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of the provisions of the Convention. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a Party to the present Protocol.

education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity. In realizing this right, States Parties shall ensure that persons with disabilities are not excluded from the general education system on the basis of disability, and that children with disabilities are not excluded from free and compulsory primary education, or from secondary education, on the basis of disability; persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities in which they live; persons with disabilities receive the support required, within the general education system, to facilitate their effective education; effective individualized support measures are provided in environments that maximize academic and social development, consistent with the goal of full inclusion.

In Article 8 of the Convention, dedicated to awareness-raising, the States Parties undertake to adopt immediate, effective and appropriate measures (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities; (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; (c) To promote awareness of the capabilities and contributions of persons with disabilities. State Parties emphasize the importance of mainstreaming disability issues as an integral part of relevant strategies of sustainable development.

## 2.2 The Council of Europe

Building on the fundamental principles of the CRPD, the Council of Europe<sup>9</sup> presented in 2006 Recommendation Rec(2006)5 of the Committee of Ministers to Member States on the Council of Europe Action Plan to promote the rights and full participation of people with disabilities in society: improving the quality of life of people with disabilities in Europe 2006-2015 (hereafter “Disability Action Plan”). The Disability Action Plan reaffirms the universality, indivisibility and interdependence of all human rights and fundamental freedoms and the need for people with disabilities to be guaranteed their full enjoyment without any discrimination. In this recommendation,<sup>10</sup> the Committee of Ministers considers that failure to promote the rights of citizens with disabilities and to ensure equality of opportunities is a violation of human dignity. Ensuring equal opportunities for members of all groups in society contributes to securing democracy and social cohesion and the Committee of Ministers is convinced that the human rights based approach to ensuring the integration and full participation of people with disabilities in society should be incorporated in all relevant policy areas at international, national, regional and local level. The key objective of the Disability Action Plan is to serve as a practical tool to develop and implement viable strategies to bring about full participation of people with

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<sup>9</sup> The Council of Europe aims at narrowing the links between 47 European states. Unlike the European Union, it does not have supranational powers. As an institution of cooperation, it operates in an intergovernmental fashion as an instrument producing international standards that fall within the classical scheme of the hierarchy of standards. In adopting a recommendation, each State expresses its willingness and the Committee of Ministers expresses its agreement.

<sup>10</sup> Although non-binding, a recommendation adopted by the Committee of Ministers is a legal instrument with legal significance. The legal significance can be assessed in light of existing treaty standards, especially the European Convention for the Protection of Human Rights and Fundamental Freedoms and its interpretation, domestic law, and other international standards being developed. Source: “Status of the recommendations of the Committee of Ministers in the legal field of the Council of Europe” – Synthesis by Grégor Puppink PhD, Director of the, European Centre for Law and Justice, 27 March 2012.

disabilities in society and ultimately mainstreaming disability throughout all the policy areas of the Member States. The Disability Action Plan includes 15 specific action lines and each action line sets out key objectives and specific actions to be implemented by Member States. Member States should translate the Disability Action Plan into their official languages and make these translations available in alternative formats. The Netherlands has not translated the Disability Action Plan into Dutch. Member States should promote the Disability Action Plan involving all relevant stakeholders in order to ensure long-term support. The Netherlands does not promote any recommendations, strategies or action plans of the Council of Europe on its official Governmental website. No information can be found about the Council of Europe's work, not even in English. The Netherlands does not promote the Disability Action Plan and the Netherlands does not involve relevant stakeholders. The first National Human Rights Action Plan would have been the perfect document to include human rights of people with disabilities.

### **2.3 The European Union**

The CRPD is the first legally-binding international human rights instrument to which the European Union (hereafter "EU") is a Party. The EU has signed the CRPD on 30 March 2007 and acceded to it on 23 December 2010. The Convention entered into force with respect to the EU on 22 January 2011. The internal procedures for the accession to the Optional Protocol are ongoing. All 28 EU countries have signed the Convention and 23 EU countries have signed the Protocol. Denmark, Ireland, the Netherlands and Poland have not signed the Protocol. As of 8

January 2014, 25<sup>11</sup> EU countries have ratified the Convention, and 20<sup>12</sup> have ratified the Optional Protocol.<sup>13</sup>

In the European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe<sup>14</sup>, the European Commission states that the European Union and its 28 Member States (including the Netherlands) have a strong mandate to improve the social and economic situation of people with disabilities. This Strategy is intended to harness the combined potential of the Charter of Fundamental Rights of the European Union,<sup>15</sup> the Treaty on the Functioning of the European Union<sup>16</sup>, the United Nations Convention on the Rights of Persons with Disabilities and to make full use of the Europe 2020 Strategy<sup>17</sup> and its instruments.

#### **2.4 The Dutch Government and Institute for Human Rights**

The Government of the Netherlands has signed the Convention on 30 March 2007, but today the ratification process is still in progress. The Government expressed no intention to sign the

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<sup>11</sup> Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

<sup>12</sup> Austria, Belgium, Croatia, Cyprus, Estonia, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Portugal, Slovakia, Slovenia, Spain, Sweden, United Kingdom.

<sup>13</sup> Source: <http://www.un.org/disabilities/countries.asp?navid=12&pid=166>

<sup>14</sup> European Disability Strategy 2010-2020: A Renewed Commitment to a Barrier-Free Europe, Communication from the European Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, Brussels 15 November 2010 COM(2010) 636 Final.

<sup>15</sup> Charter of Fundamental Rights of the European Union, solemnly proclaimed at the Nice European Council on 7 December 2000, Official Journal of the European Union, 30 March 2010, Notice No C 83/391.

<sup>16</sup> Treaty on the Functioning of the European Union, signed in Rome on 25 March 1957, Official Journal of the European Union, 9 May 2008, Notice No C 115/47. The Treaty requires the Union to combat discrimination based on disability when defining and implementing its policies and activities (Article 10) and gives it the power to adopt legislation to address such discrimination (Article 19)

<sup>17</sup> EUROPE 2020, A strategy for smart, sustainable and inclusive growth, Communication from the European Commission, Brussels, 3 March 2010, COM(2010) 2020 final.

Optional Protocol. On 29 November 2013 the Council of Ministers approved the legislative process required for the ratification of the Convention which is not expected before 2015. In its official announcement on the Government's website the CRPD was translated into "UN Disability Convention" (*VN Verdrag Handicap*).<sup>18</sup> According to the official explanatory note "the goal of the UN Disability Convention is a society accessible for all".

The Netherlands Institute for Human Rights Act<sup>19</sup> states that one of the tasks of the Institute for Human Rights is to urge the ratification, implementation and observance of treaties on human rights (Article 3, parts g, h and i). For that reason the Institute urged the ratification of the CRPD as soon as possible and urged implementation thereof at the earliest opportunity. The Institute also urged the Government to sign and ratify the Optional Protocol to the CRPD, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights<sup>20</sup> and the Optional Protocol to the Convention on the Rights of the Child.<sup>21</sup>

On 13 December 2013, the International Day of Human Rights, the Dutch Government presented its first National Human Rights Action Plan leaving the rights of people with disabilities unmentioned. Despite the critical reports of the Netherlands Institute for Human Rights and despite the ongoing ratification process of the CRPD now lasting seven years this March 2014, the Government did not include the human rights of people with disabilities in its first National

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<sup>18</sup> <http://www.rijksoverheid.nl/nieuws/2013/11/29/nederland-stap-dichter-bij-ratificatie-vn-verdrag-handicap.html>

<sup>19</sup> Netherlands Institute for Human Rights Act as amended, adopted on 19 April 2011. English version can be found on <http://www.mensenrechten.nl/publicaties/detail/17477>

<sup>20</sup> International Covenant on Economic, Social and Cultural Rights, adopted by United Nations General Assembly resolution 2200A (XXI) of 16 December 1966.

<sup>21</sup> Convention on the Rights of the Child, adopted by United Nations General Assembly resolution 44/25 of 20 November 1989.

Human Rights Action Plan. A missed chance, according to Ieder(in), the largest NGO looking after the interest of people with disabilities in the Netherlands.<sup>22</sup>

The Institute for Human Rights was created recently on 12 October 2012. The Equal Treatment Commission was the coordinator for the new Institute and was subsequently incorporated into it. By setting up the Institute the Netherlands finally complied with the United Nations Resolution<sup>23</sup> from 1993 requiring each State to set up an independent human rights institution, the so-called Paris Principles. The purpose of the Institute is to protect human rights in the Netherlands and to promote the observance of those rights.

According to the Institute, people with disabilities are currently facing a series of economic cutbacks that could put many of them at a serious disadvantage. In a formal advice to the Government addressed to the Ministry of Public Health, Welfare and Sport (responsible for disability issues) in August 2013, the Institute called upon a National Action Plan to fully implement the CRPD.<sup>24</sup> The Institute said that the national legislation as (to be) amended does not comply fully with the principles of the UN Convention and its goal of full inclusion. The Institute wanted to know the ambitions of the Government with regard to legislation and policies and advised the Government to draft a national action plan in this respect. One of the actions to be included in this action plan would be awareness-raising on the rights of people with disabilities through human rights education – which is still not mandatory in the Netherlands.

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<sup>22</sup> [http://www.cg-raad.nl/actueel/nieuwsberichten/index.php?we\\_objectID=2583](http://www.cg-raad.nl/actueel/nieuwsberichten/index.php?we_objectID=2583)

<sup>23</sup> Resolution 48/134 on National institutions for the promotion and protection of human rights, adopted by United Nations General Assembly on 20 December 1993.

<sup>24</sup> Page 3 of the Advice 2013/07 of the Netherlands Institute of Human Rights on the legislation leading to ratification of the UN Convention.

### **3. DISABILITY AND DISCRIMINATION**

#### **3.1 Legal context and political climate**

Article 1 of the Dutch Constitution<sup>25</sup> stipulates that all persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted. Although discrimination on ground of disability is included in ‘any other grounds’, the Netherlands Institute for Human Rights and NGOs looking after the interest of people with disabilities regret the absence of disability in the Constitution. The Institute called upon the Government to include disability in the Constitution as well as to amend other legislation to comply with the CRPD.<sup>26</sup> According to the Institute, inclusion of disability in Article 1 of the Constitution will enhance awareness-raising on the rights of people with disabilities.<sup>27</sup> Surprisingly enough, even the Equal Treatment Act<sup>28</sup> does not explicitly include disability. This Act contains general rules to provide protection against discrimination on the grounds of religion, belief, political opinion, race, sex, nationality, heterosexual or homosexual orientation or civil status. In 2012, the Institute urged the Parliament to expand the scope of the Equal Treatment on the Ground of Disability or Chronic Disease Act.<sup>29</sup> This Act from 2003 is currently applicable solely to discrimination at work, education, housing and public transport. The Institute believes that the scope of the Act

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<sup>25</sup> Constitution of the Kingdom of the Netherlands, 24 August 1815 as amended. English version can be found on <http://legislationline.org/documents/section/constitutions/country/12>.

<sup>26</sup> <http://www.mensenrechten.nl/berichten/nationaal-actieplan-noodzakelijk-voor-implementatie-vn-gehandicaptenverdrag>

<sup>27</sup> Page 16, Advice 2013/07 of the Netherlands Institute of Human Rights on the legislation leading to ratification of the UN Convention.

<sup>28</sup> Equal Treatment Act, 2 March 1994 as amended on 9 September 2004. English version can be found on <http://legislationline.org/documents/action/popup/id/17565>

<sup>29</sup> Equal Treatment on the Ground of Disability or Chronic Disease Act, 3 April 2003.

should extend to all goods and services, as a result of which hospitals, stores, cultural and sports institutions would also need to become accessible for persons with disabilities.<sup>30</sup>

### **3.2 International pressure**

In 2009, the United Nations Committee on the Rights of the Child urged the Government Netherlands in its concluding observations<sup>31</sup> to ensure full protection against discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status. The Committee also urged the Netherlands to strengthen its awareness-raising and other preventive activities against discrimination and, if necessary, to take affirmative actions for the benefit of certain vulnerable groups of children, asylum-seeking and refugee children and children belonging to minority groups. The Committee further urged the Netherlands to take all necessary measures to ensure that cases of discrimination against children in all sectors of society are addressed effectively. The Committee on the Rights of the Child recommended that the Government of the Netherlands

- (a) Take all necessary measures to ensure that legislation providing protection for persons with disabilities, as well as programmes and services for children with disabilities, are effectively implemented;
- (b) Develop and strengthen early identification programmes and early intervention programmes;
- (c) Undertake awareness-raising campaigns on the rights and special needs of children with disabilities, encourage their inclusion in society and prevent discrimination and institutionalization;
- (d) Provide training for professional staff working with children with disabilities, such as medical, paramedical and related personnel, teachers and social workers;
- (e)

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<sup>30</sup> Page 13 of the Annual Report 2012 of the Netherlands Institute for Human Rights.

<sup>31</sup> Committee on the Rights of the Child, CRC/C/NLD/CO/3, 27 March 2009.

Ratify the International Convention on the Rights of Persons with Disabilities and its Optional Protocol, signed on 30 March 2007.

In the United Nations Human Rights Council's 2012 Report of the Working Group on the Universal Periodic Review of the Netherlands,<sup>32</sup> Ukraine recommended the Netherlands to strengthen efforts to promote access of persons with disabilities to education and labour market, their legislative protection, in particular through speeding up approval by the Parliament of the CRPD. Slovakia commended progress towards ratification of the Optional Protocol to the CRPD.

The European Commission against Racism and Intolerance (ECRI) published on 15 October 2013 its fourth report on the Netherlands.<sup>33</sup> ECRI is a human rights body of the Council of Europe, composed of independent experts, which monitors problems of racism, xenophobia, anti-Semitism, intolerance and discrimination on grounds such as "race", national/ethnic origin, colour, citizenship, religion and language (racial discrimination). ECRI prepares reports and issues recommendations to Member States. In its report on the Netherlands, ECRI noted a number of steps forward but expressed concern about other issues, such as the cutting of funds for various anti-discrimination structures and the intolerant political climate.

### **3.3 Taboo on discrimination**

People with disabilities in the Netherlands cannot participate fully in all areas of society.<sup>34</sup> In 2013, the Netherlands Institute for Human Rights concluded in an extensive survey<sup>35</sup> that

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<sup>32</sup> Human Rights Council, Twenty-first session, Agenda item 6, Universal Periodic Review distributed by the United Nations General Assembly, 9 July 2012, A/HRC/21/15.

<sup>33</sup> ECRI Report on the Netherlands, adopted on 20 June 2013, published on 15 October 2013, CRI(2013)39.

<sup>34</sup> Page 15 of the Strategic Plan August 2013 of the Netherlands Institute for Human Rights.

<sup>35</sup> Page 14 of the Strategic Plan August 2013 of the Netherlands Institute for Human Rights.

vulnerable groups including people with disabilities, experience discrimination and other obstacles to access the Dutch labor market, and that so far insufficient measures have been taken to counteract discrimination by employers and the employment agency sector. The reason for this seems to be not so much a lack of awareness of the statutory non-discrimination principle as an inadequate recognition of discrimination and the role of negative perceptions. This has much to do with the taboo on discrimination, the subtlety of discrimination and the operation of discriminatory mechanisms. Discrimination in access to the labor market often turns out to be a consequence of unconscious, unfounded group prejudices and stereotypes which vary from group to group and often within the same group as well. Lack of understanding of the subtle ways in which discrimination can manifest itself and the group-specific discrimination mechanisms at work impedes the effective combating of discrimination in the employment market. Apart from discrimination, the lack of a clear overview of the obstacles to access the labor market which are faced by the various groups also prevents a targeted, integral approach to counteracting those obstacles. The Institute therefore has set itself the goal to identify and effectively combat discrimination and other obstacles to accessing the labor market faced by people with disabilities, the elderly, young people, ethnic minorities of non-western origin as well as the intersection of these groups with gender (maternity discrimination) and religion.

### **3.4 Educational reform**

According to the European Union, access to mainstream education for children with severe disabilities is difficult and sometimes segregated. People with disabilities, in particular children, need to be integrated appropriately into the general education system and provided with individual support in the best interest of the child.<sup>36</sup> In the Netherlands however, a contradictory

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<sup>36</sup> Page 8 of the European Disability Strategy 2010-2020.

educational reform is taking place with the new Tailored Education Act entering into force on 1 August 2014. This Act makes mainstream schools responsible for including (“tailoring”) children with learning and behavioral problems and other special needs into their education system. However, schools claim not to have enough budget to accept children with special needs and they are setting up regional cooperative structures resulting in schools having their own ‘disability’ specialty. The current implementation of this reform has led to a lot of criticism not in the least because teachers, parents and children are kept in the dark about the changes whilst school management are concerned with their self-interest of distributing power and budgets. In a formal advice to the Government and addressed to the Ministry of Public Health, Welfare and Sport (responsible for disability issues) from August 2013, the Netherlands Institute for Human Rights called upon special information for schools and cooperative structures in view of the entry into force of the Tailored Education Act. In 2012 the Dutch Children’s Ombudsman received 197 complaints about education in the Netherlands. In May 2013, the Children’s Ombudsman published a report<sup>37</sup> in which it concluded that a shift is needed from compulsory education to a right to education. In an another alarming report of October 2013,<sup>38</sup> the Advisory and Evaluation Commission on Tailored Education (EPCO) urged the Government (Ministry of Education, Culture and Science) to take action because schools are not ready for this educational reform of taking care of children of “care pupils”. This development will lead to a new system of special education and segregated schools, moving the Netherlands away from the United Nations’ goal of full inclusion.

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<sup>37</sup> Adviesrapport over waarborging van het recht op onderwijs naar aanleiding van het onderzoek naar thuiszitters, de Kinderombudsman, 16 May 2013, KOM2/2013.

<sup>38</sup> Advies *Passend Onderwijs: Code Oranje* van de advies- en evaluatiecommissie passend onderwijs (ECPO), 11 October 2013.

In November 2013, the Children's Ombudsman urged the Secretary of State of the Ministry of Education, Culture and Science to closely observe the implementation of the educational reform and to keep the best interests of the child in mind as schools are foremost occupied with themselves.<sup>39</sup> The Children's Ombudsman underlined the recommendations of EPCO and urged the Government to protect a child's right to education.

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<sup>39</sup> <http://www.dekinderombudsman.nl/ul/cms/fck-uploaded/20131128briefaanDekkeroverPassendonderwijs.pdf>

## **4. HUMAN RIGHTS EDUCATION**

### **4.1 Infringement of international human rights law**

According to the Netherlands Institute for Human Rights several surveys show that Dutch citizens know little about human rights in general and about their own rights in particular.<sup>40</sup> Of all European countries, children in the Netherlands are the least informed, only 19% have heard about the Convention on the Rights of the Child. Many adults are ignorant about human rights as well. This comes as no surprise as human rights education is not compulsory in the Netherlands.

Despite international pressure from the United Nations, the Council of Europe, other countries and recommendations from the Institute and the Netherlands Platform on Human Rights Education,<sup>41</sup> the Government has not changed its laws and regulations in order to comply with international law, i.e.:

- Article 26(2) the Universal Declaration of Human Rights<sup>42</sup> which stipulates that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms;
- Article 29(1) of the Convention on the Rights of the Child in which States Parties agree that the education of the child shall be directed to the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

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<sup>40</sup> <http://www.mensenrechten.nl/mensenrechteneducatie>

<sup>41</sup> The Netherlands Platform for Human Rights Education unites Amnesty International, the Anne Frank House, The Centre for Global Education, Defence for Children International, HVO, Pabo Groenewoud, IVLOS/VVVO, The Netherlands Chapter of the FIDR, Movies that Matter, the Netherlands Section of ICJ, the Netherlands United Nations Foundation, the Netherlands Red Cross and Unicef Netherlands. Observers include the SLO, the National Unesco Commission and the Ministry for the Interior.

<sup>42</sup> Universal Declaration of Human Rights, adopted by United Nations General Assembly resolution 217 A (III) of 10 December 1948.

- Article 24(1) of the Convention on the Rights of Persons with Disabilities in which States Parties shall ensure an inclusive education system at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity;
- Article 13(1) of the International Covenant on Economic, Social and Cultural Rights, in which State Parties agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace;
- Article 6 of the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education, stipulating that Member States should include education for democratic citizenship and human rights education in the curricula for formal education at pre-primary, primary and secondary school level as well as in general and vocational education and training. This Charter recalls that the World Conference on Human Rights meeting in Vienna in 1993 called on States to include human rights, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal education.

The Council of Europe desired to contribute to the achievement of the aims of the World Programme for Human Rights Education adopted by the General Assembly of the United Nations in 2005, for which the Council of Europe is the regional partner in Europe. Article 5 of the Charter should guide member states in the framing of their policies, legislation and practice: The aim of providing every person within their territory with the opportunity of education for

democratic citizenship and human rights education; Learning in education for democratic citizenship and human rights education is a lifelong process; An essential element of all education for democratic citizenship and human rights education is the promotion of social cohesion and intercultural dialogue and the valuing of diversity and equality, including gender equality; to this end, it is essential to develop knowledge, personal and social skills and understanding that reduce conflict, increase appreciation and understanding of the differences between faith and ethnic groups, build mutual respect for human dignity and shared values, encourage dialogue and promote non-violence in the resolution of problems and disputes.

#### **4.2 International pressure**

The United Nations Committee on the Rights of the Child recommended on 27 March 2009 during the 50<sup>th</sup> session on concluding observations on the Netherlands,<sup>43</sup> that the Government should continue and further strengthen its efforts to ensure that all of the provisions of the Convention on the Rights of the Child are widely known and understood by adults and children alike. In this regard, the Committee encouraged the Dutch Government to undertake a systematic education and training programme on the principles and provisions of the Convention for children, parents and all professional groups working for and with children, including judges, lawyers, law enforcement officials, teachers, health-care personnel, social workers and media personnel. The Committee recommended the Government to undertake awareness-raising campaigns on the rights and special needs of children with disabilities, to encourage their inclusion in society and to prevent discrimination and institutionalization.

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<sup>43</sup> Committee on the Rights of the Child, CRC/C/NLD/CO/3, 27 March 2009.

The Council of Europe's Commissioner on Human Rights recommended in his 2009 report<sup>44</sup> that the authorities of the Netherlands should ensure a uniform application and interpretation of international treaties in national law; the Government should conduct a base-line study to assess the extent to which human rights are integrated into education and training, so that further needs can be identified and addressed; the Dutch Government should develop a national human rights action plan to serve as a tool for analysis and continuous improvement of the human rights situation in the Netherlands; sign and ratify the Optional Protocol to the United Nations Convention on the Rights of Persons with Disabilities; extend the anti-discrimination legislation to all forms of education, goods and services public transport and social protection and to provide full access to all forms of public transport without applying financial impediments for persons with disabilities.

In the earlier mentioned United Nations Human Rights Council's 2012 Report of the Working Group on the Universal Periodic Review of the Netherlands, Norway welcomed the establishment of an National Human Rights Institute and Children's Ombudsman, but Norway requested information on the views of the Netherlands on the suggestion by civil society to formalize human rights education in order to increase awareness. Norway made recommendations. While welcoming the establishment of the Children's Ombudsman, Australia recognized the challenge of implementing human rights education; such education helps safeguarding the rights of the next generation. Australia recommended the Netherlands to work with all sectors including the education sector, to ensure the National Human Rights Institute effectively supports the country's commitment to human rights. Slovenia recommended to adopt

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<sup>44</sup> Report by the Commissioner for Human Rights, Mr Thomas Hammarberg on his visit to the Netherlands 21-25 September 2008, Strasbourg 11 March 2009, CommDH(2009)2.

a National Action Plan on Human Rights Education. Spain recommended the Netherlands to establish guidelines for training on human rights in primary and secondary education, with homogenous curricula in all the educational centres. Azerbaijan recommended to include human rights and child rights education in school curricula at all levels.

### **4.3 Democratic citizenship versus human rights**

In Article 3 of the Charter on Education for Democratic Citizenship and Human Rights Education, the Council of Europe reminds Member States that education for democratic citizenship and human rights education are closely interrelated and mutually supportive. But they differ in focus and scope rather than in goals and practices. Education for democratic citizenship focuses primarily on democratic rights and responsibilities and active participation, in relation to the civic, political, social, economic, legal and cultural spheres of society, while human rights education is concerned with the broader spectrum of human rights and fundamental freedoms in every aspect of people's lives.

According to the Government of the Netherlands however, the legal obligation to stimulate active citizenship and social integration is defined as “a sense of community” and does not demand that schools pay attention to democratic citizenship and human rights education.<sup>45</sup>

Instead, the Government offers schools the choice in emphasizing social competences, openness towards society, basic values and the rule of the law, and the school as a place to practice citizenship. Similarly, the exam programs and core curricula of topics like civic education, geography and history at the various levels of education include no mention of human rights. The

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<sup>45</sup> Submission on behalf of the Netherlands Platform on Human Rights Education to the Committee on Economic, Social and Cultural Rights, regarding the 4<sup>th</sup> and 5<sup>th</sup> report on the implementation of the ICESCR submitted by the Netherlands, September 2010.

same applies, in general terms, to most of the textbooks used in these courses. A discussion of the Second World War, for instance, will not include reference to the Universal Declaration of Human Rights.

According to the Netherlands Platform on Human Rights Education, this lack of formal attention seems to relate to a lack of knowledge about human rights, and a lack of acceptance of the rights of others. The comparative international civics and civic education study, in 2010, found the civic competencies of Dutch schoolchildren – for instance their understanding of the political system – to be lower than that of other European peers.<sup>46</sup> Where it came to the (lack of) acceptance of the rights of immigrants the Dutch children, together with the Flemish, take on an extremely low position. Additionally, the willingness to actively contribute to society is lower than in the surrounding countries. These findings correspond with other research on the knowledge and acceptance of human rights in the Netherlands.

The 2009 Eurobarometer,<sup>47</sup> found the Netherlands to be one of the European countries where children were least aware of the existence of the Convention on the Rights of the Child. In its submission to the Committee on Economic, Social and Cultural Rights, the Government states that it “expects the education sector to live up to its own responsibility towards society, deciding for itself how teaching should be organized and structured”. The Platform does not agree with this interpretation. The Government sets general instructional objectives, is responsible for exam programs as well as the legislation governing the monitoring of, for instance, civic education. Finally, the Education Inspectorate, under the constitutional obligation to submit a yearly report

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<sup>46</sup> R. Maslowski et al., *Eerste Bevindingen International Civic and Citizenship Education Study: Rapportage Voor Nederland*, 2010.

<sup>47</sup> European Commission, *Flash Eurobarometer: The Rights of the Child Analytical Report*, 273, 2009.

on education in the Netherlands, over the past years has – in increasingly strong terms – expressed concern about the lack of attention for democratic citizenship and for cultural diversity in the context of civic education, and the “patchwork” character of its implementation. It has asked the Government to provide clearer guidelines, sample materials and monitoring mechanisms to ensure structural attention for democratic citizenship.<sup>48</sup>

#### **4.4 National Human Rights Action Plan**

On 13 December 2013, International Human Rights Day, the Government presented its first National Human Rights Action Plan.<sup>49</sup> This long awaited document excludes however the human rights situation of people with disabilities. Of the political priorities chosen, the rights of people with disabilities is not one of them, despite the recommendations of the Netherlands Institute for Human Rights, NGOs and the Council of Europe to adopt a National Disability Action Plan, also in view of the ratification of the CRPD. In this first National Human Rights Action Plan, compulsory human rights education is still not mentioned, let alone for it to be an action or priority. The Government states that “in order to exercise, defend and uphold human rights, knowledge of human rights is important. That is why the Government considers informing, awareness raising and education on human rights of major importance.” The Government considers the action plan as a suitable source of information which is best distributed by the Netherlands Institute for Human Rights and NGOs.

No word is mentioned on human rights education at schools and universities, as usual the Ministry of Education, Culture and Science considers the inclusion of human rights education in

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<sup>48</sup> Page 274, Onderwijsverslag 2008/2009, Inspectie van het Onderwijs, De Staat Van Het Onderwijs, 2010.

<sup>49</sup> <http://www.rijksoverheid.nl/documenten-en-publicaties/publicaties/2013/12/10/nationaal-actieplan-mensenrechten.html>

the curriculum of schools. At the same time the Government acknowledges that knowledge of human rights at the local and regional Government levels is insufficient. Finally, although the action plan notes the EU's accession to the Charter of Fundamental Rights of the European Union and the implications for the functioning of European institutions and agencies, the fact that the EU also acceded to the Convention on the Rights of Persons with Disabilities is left out.

Instead of urging the Government to comply with international law in this regard, the Netherlands Institute for Human Rights is looking the other way with its "commitment of coordinating and encouraging human rights education directed at both mainstream education and the training of professionals. The Institute is attempting to realize a voluntary agreement on human rights education for primary and secondary education. The Institute will also endeavor to evaluate existing (teaching) materials and make them widely available. The training of professionals about human rights will first have to be organized in connection with the above-mentioned projects relating to care of the elderly and discrimination in access to employment."<sup>50</sup>

The Institute's attempt can be considered discouraging. The Institute for Human Rights Act states that one of the tasks of the Institute is to urge the ratification, implementation and observance of treaties on human rights (Article 3, parts g, h and i). According to law it is therefore a task of the Institute to urge the Government to implement and comply with Article 26(2) the Universal Declaration of Human Rights, Article 29(1) of the Convention on the Rights of the Child, Article 13(1) International Covenant on Economic, Social and Cultural Rights, Article 24(1) of the Convention on the Rights of People with Disabilities, and Article 6 the Council of Europe Charter on Education for Democratic Citizenship and Human Rights

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<sup>50</sup> Page 16 of the Strategic Plan August 2013 of the Netherlands Institute for Human Rights.

Education which recalls that the World Conference on Human Rights meeting in Vienna in 1993 called on states including the Netherlands to include human rights, democracy and the rule of law as subjects in the curricula of all learning institutions in formal and non-formal education. The Institute's "attempt to realize a voluntary agreement on human rights education" does not come near to the above-mentioned international obligations and the philosophy behind them. More seriously, the Institute is in breach of the Institute for Human Rights Act.

## 5. THE EUROPEAN UNION'S PROMOTION OF HUMAN RIGHTS

### 5.1 The EU in a nutshell

The European Union is a unique economic and political partnership between 28 European countries that together cover much of the continent. What began as a purely economic union has evolved into an organization spanning policy areas, from development aid to environment. A name change from the European Economic Community (EEC) created in 1958 to the European Union (EU) in 1993 reflected this. The EU is based on the rule of law: everything that it does is founded on treaties, voluntarily and democratically agreed by all member countries. These binding agreements set out the EU's goals in its many areas of activity. One of the EU's main goals is to promote human rights both internally and around the world. human dignity, freedom, democracy, equality, the rule of law and respect for human rights: these are the core values of the EU. Since the 2009 signing of the Treaty of Lisbon,<sup>51</sup> the Charter of Fundamental Rights of the European Union brings all these rights together in a single document. Proclaimed in 2000, the EU Charter has become legally binding on the EU in December 2009. The EU's institutions are legally bound to uphold them, as are EU Governments whenever they apply EU law.<sup>52</sup> The EU Charter reaffirms the rights as they result, in particular, from the constitutional traditions and international obligations common to the Member States, the Treaty on European Union,<sup>53</sup> the Community Treaties, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Social Charters adopted by the Community and by the Council of

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<sup>51</sup> Treaty of Lisbon amending the Treaty on European Union and the Treaty establishing the European Community, signed at Lisbon on 13 December 2007, Official Journal of the European Union, 17 December 2007, Notice No 2007/C 306/01.

<sup>52</sup> [http://europa.eu/about-eu/index\\_en.htm](http://europa.eu/about-eu/index_en.htm)

<sup>53</sup> Treaty on the European Union, signed in Maastricht on 7 February 1992, Official Journal of the European Union, 9 May 2008, Notice No C 115/13.

Europe and the case-law of the Court of Justice of the European Communities and of the European Court of Human Rights.

As required by Articles 1, 21 and 26 of the EU Charter<sup>54</sup> and by Articles 10 and 19 of the Treaty on the Functioning of the EU, the European Commission promotes the equal treatment of people with disabilities through a two-pronged approach. This involves using existing EU legislation to provide protection from discrimination, and implementing an active policy to combat discrimination and promote equal opportunities in EU policies. The Commission pays attention to the cumulative impact of discrimination that people with disabilities may experience on other grounds, such as nationality, age, race or ethnicity, sex, religion or belief, or sexual orientation. The European Commission ensures that Directive 2000/78/EC<sup>55</sup> banning discrimination in employment is fully implemented, it promotes diversity and combats discrimination through awareness-raising campaigns at EU and national level, and supports the work of EU-level NGOs active in the area.

## **5.2 EU framework to monitor the implementation of the CRPD**

As guardian of the Treaties, the European Commission is committed to intervening where necessary to make sure Member States implement EU law effectively while complying with the Charter (so-called infringement proceedings). To ensure the implementation of fundamental rights and freedoms enshrined in the Charter, the Commission has published, since 2010, an

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<sup>54</sup> Article 21 of the EU Charter stipulates that any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited. Article 26 on Integration of persons with disabilities, stipulates that the Union recognizes and respects the right of persons with disabilities to benefit from measures designed to ensure their independence, social and occupational integration and participation in the life of the community.

<sup>55</sup> Council Directive 2000/78/EC, OJ L 303, 2.12.2000, p. 16.

Annual Report on the Application of the Charter. The Annual Report monitors progress in the areas where the EU has powers to act, showing how the Charter has been taken into account in actual cases, notably when new EU legislation is proposed.<sup>56</sup> The 2012 Report<sup>57</sup> gives a comprehensive overview of how fundamental rights have been implemented in the EU over the past year. The report is structured into six chapters reflecting the six titles of the EU Charter of Fundamental Rights: Dignity, Freedoms, Equality, Solidarity, Citizens' Rights and Justice. The 2012 Report's chapter on Equality states that the Council adopted the Commission's proposal for an EU framework to promote, protect and monitor the implementation of the CRPD as foreseen in Article 33(2).<sup>58</sup> In preparing its proposal the Commission has taken into account the requirements in terms of tasks to be performed and the independence in executing those tasks as well as the possible role of all relevant Union institutions, bodies, offices or agencies. It also consulted with persons with disabilities and their representative organizations through the European Disability Forum. As a result of this analysis, the Commission has identified the following EU institutions and bodies to form together 'the EU framework': the European Parliament (represented by the Petitions Committee); the European Ombudsman; the European Commission; the EU Agency for Fundamental Rights (FRA); the European Disability Forum (EDF), the main EU-level umbrella organization of people with disabilities. The EU framework's mandate covers areas of EU competence, and it is a complement to the national frameworks and independent mechanisms which bear the main responsibility for the promotion, protection and monitoring of the CRPD in the Member States.

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<sup>56</sup> [http://ec.europa.eu/justice/fundamental-rights/charter/application/index\\_en.htm](http://ec.europa.eu/justice/fundamental-rights/charter/application/index_en.htm)

<sup>57</sup> 2012 Report on the Application of the EU Charter of Fundamental Rights, European Commission - Directorate-General for Justice, Publications Office of the European Union, 2013.

<sup>58</sup> Pages 62 and 63 (Integration of people with disabilities).

### 5.3 Europe 2020 Strategy

Europe 2020 is the European Union's ten-year growth strategy for smart, sustainable and inclusive growth.<sup>59</sup> It is about more than just overcoming the crisis which continues to afflict many of the European economies. According to the Commission, Europe 2020 is about addressing the shortcomings of our growth model and creating the conditions for a different type of growth that is smarter, more sustainable and more inclusive. To render this more tangible, five Key Targets have been set for the EU to achieve by the end of the decade. These cover employment; education; research and innovation; social inclusion and poverty reduction; and climate/energy. The strategy also includes seven 'Flagship Initiatives' providing a framework through which the EU and national authorities mutually reinforce their efforts in areas supporting the Europe 2020 priorities such as innovation, the digital economy, employment, youth,, industrial policy, poverty, and resource efficiency. The aim of Flagship Initiative "European Platform against Poverty" is to ensure economic, social and territorial cohesion, so as to raise awareness and recognize the fundamental rights of people experiencing poverty and social exclusion, enabling them to live in dignity and take an active part in society. At national level, Member States will need to promote shared collective and individual responsibility in combating poverty and social exclusion. Member States also need to define and implement measures addressing the specific circumstances of groups at particular risk (such as one-parent families, elderly women, minorities, Roma, people with a disability and the homeless).<sup>60</sup>

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<sup>59</sup> [http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index\\_en.htm](http://ec.europa.eu/europe2020/europe-2020-in-a-nutshell/index_en.htm)

<sup>60</sup> Page 19, EUROPE 2020, A strategy for smart, sustainable and inclusive growth, Communication from the European Commission, Brussels, 3 March 2010, COM(2010) 2020 final.

Of the five Key Targets, the Netherlands prioritised research and innovation and climate/energy. On the Government's website,<sup>61</sup> the EU's ambition for more inclusive, social growth is reduced by the Dutch Government to "economic growth".<sup>62</sup>

It is to be hoped that the European Commission will take notice of the absence of a Dutch vision for sustainable inclusive growth. Furthermore, it is to be hoped that the European Commission will take notice of the absent goal of social inclusion, poverty reduction and respect for human diversity and human rights in the Netherlands. Finally, it is to be hoped that the European Commission will take notice of the major budgetary cutbacks and reforms taking place in the Netherlands affecting children, youth and adults with disabilities.

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<sup>61</sup> <http://www.rijksoverheid.nl/onderwerpen/europese-unie/europa-2020>

<sup>62</sup> <http://www.rijksoverheid.nl/onderwerpen/europese-unie/europa-2020/europa-2020-gevolgen-voor-nederland>

## 6. CONCLUDING REMARKS

The importance given to awareness raising in the Convention on the Rights of Persons with Disabilities is to be applauded. In the Netherlands NGOs have initiated disability awareness programmes for schools, letting children experience what it is like to have a disability.<sup>63</sup> The training material developed by NSGK (the Dutch Foundation of the Disabled Child) has been embraced by the Netherlands Institute for Human Rights,<sup>64</sup> but it is not enough. They are dependent on the goodwill of schools. The Institute for Human Rights and the Children's Ombudsman supported by NGOs such as NSGK and Ieder(in) should call upon the Government to embrace this initiative and make it compulsory in line with the letter and spirit of the Convention on the Rights of Persons with Disabilities and other existing international law.

Unknown, unloved: changing negative perspectives and enhancing respect for abilities and human diversity will reduce bullying, discrimination and social exclusion. But learning is a lifelong process and children should not be regarded as the sole and unique target group.

Professionals working with children and civil servants of administrative bodies and governmental authorities should be trained on human rights, disability and human diversity.

The Netherlands is one of the founding fathers of the European Union. The EU is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, which are common values to the Member States including the Netherlands. With the European Union being party to the legally binding CRPD, the time has come for the European Commission to put its money where its mouth is. If the EU is committed to protect and defend its

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<sup>63</sup> <http://www.handicapindeles.nl/>

<sup>64</sup> <https://mensenrechten.nl/leerlingen-ervaren-zelf-beperking>

own core values and reason for existence, then as guardian of the EU law and treaties, the European Commission should intervene to make sure Member States implement EU law effectively while complying with the EU Charter of Fundamental Rights and the Convention on the Rights of Persons with Disabilities. The Commission and other EU institutions and bodies in ‘the EU framework’ can start by monitoring the implementation of Article 24(1) of the CRPD stipulating that State Parties shall ensure an **inclusive education system at all levels and lifelong learning directed to the full development of human potential and sense of dignity and self-worth, and the strengthening of respect for human rights, fundamental freedoms and human diversity.**

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