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**Questionaire: Human Rights Council resolution 37/22 concerning the rights of persons with disabilities**

**Introduction**

The Office of the High Commissioner on Human Rights (OHCHR) disseminated a questionaire in response to Human Rights Council resolution 37/22 concerning the rights of persons with disabilities. The OHCHR is requested to prepare a study on article 8 of the Convention on the Rights of Persons with Disabilities (CRPD). The Netherlands Institute for Human Rights (Institute) will provide information on some of the questions posed in the questionnaire. Unfortunately the Institute is not able to answer all of the questions, because it does not possess the necessary data or detailed information.

**1(a). Does your country have laws, policies, plans, strategies or guidelines at any level of government relating to raising awareness about persons with disabilities?**

The Ministry of healthcare, welfare and sports has developed an implementation programme called ‘Unlimited participation’. A general aim of this plan is to create more awareness about the obstacles persons with disabilities face in society. The government, commercial sector and other sectors and organisations are stimulated to involve persons with a disability when creating solutions for these problems.[[1]](#footnote-1) The government wants to combat stereotypes and prejudices by showing why inclusion is important. Other ways in which the government tries to raise awareness about persons with disabilities is by celebrating days such as the international day for persons with a disability and the week of accessibility. Furthermore, the government wants to stimulate persons to take action by highlighting inspiring initiatives and stories of persons with a disability.

The organisation of Dutch municipalities has gathered information, good examples, and advise on how the Convention can be implemented in municipalities in the ‘Local inclusion agenda’. Raising awareness is part of this agenda. Examples are given on how municipalities can raise awareness about persons with disabilities and good practices are highlighted.[[2]](#footnote-2)

**2(a). What legislative and policy measures are taken to address hate crimes, hate speech and harmful practices against persons with disabilities?**

Article 1a of the law on equal treatment for persons with a disability contains the prohibition of intimidation. This means that behaviour towards persons with a disability with the purpose or result of a violation of the persons’ dignity, or behaviour which creates a threatening, hostile, insulting, humiliating and hurting environment is prohibited.

Article 137d of the Criminal Code prohibits the incitement of hatred, discrimination and the use of violence against persons with a disability.

**2(b). In particular, are these legal remedies available for persons with disabilities seeking compensation and reparation?**

Persons with a disability can file a complaint with the Netherlands Institute for Human Rights when they feel discriminated against. This complaints procedure is free of charge and a lawyer is not compulsory. It is also possible to report to the police or to bring a case before a judge. However, a recent report by the Institute shows that access to justice for persons with a disability is not self-evident. For example, because buildings and information are not always accessible.[[3]](#footnote-3)

The Institute received 127 requests for an opinion in relation to discrimination on the ground of disability in 2018. In 21 of the 51 cases in which the Institute gave an opinion discrimination was established. The opinions of the Institute are non-binding. Notwithstanding, in 18 of these cases the respondent party took individual or structural measures.[[4]](#footnote-4)

The abovementioned article 137d of the Criminal Code allows for a maximum punishment of 1 year in prison or a maximum fine of 20.750 euro. The Institute does not possess data on cases of persons condemned for hate crimes against persons with disabilities.

**3(a). What steps have been taken to establish standards and/or good practices in the representation and portrayal of persons with disabilities in broadcast media, including codes, guidelines and other measures (legal, co-regulatory or self-regulatory)?**

To the knowledge of the Institute there are no laws regulating the representation and portrayal of persons with disabilities in broadcast media.

**4(a-b). Please provide information on the existence and implementation of the programs and activities, including successful examples of campaigns, related to raising awareness about persons with disabilities and their rights, and combating negative attitudes.**

Many different programs, campaigns and activities related to awareness raising about persons with disabilities have been organised in the Netherlands. Not only by the government, but also by representative -and other organisations. In most of these activities persons with disabilities are included and play a big role. For example by sharing personal stories and experiences. Without pretending to be fully conclusive, here are some examples of activities that have been organised related to raising awareness about persons with disabilities.

Campaigns:

*Participating with a disability:* The government ran the national campaign ‘Participating with a disability’. This campaign raised awareness about the social and physical barriers faced by persons with a disability. It also gave tips on how to interact with persons with disabilities. These tips were given by persons with disabilities.[[5]](#footnote-5) The evaluation of this campaign shows that people are more aware about the physical barriers than the social barriers that are faced by persons with disabilities. The number of persons that is willing to contribute to taking away barriers remained the same throughout the campaign.[[6]](#footnote-6)

*You only see half:* This campaign is organised by HandicapNL. It focusses on how people react when they see someone with a disability. The message of the campaign is that next to the visible disability, there is an invisible disability as well: being spoken to as if you are a child, being underestimated, people not being able to see the person behind the disability. By sharing personal stories and by providing tips and information the campaign tries to make people more aware about how to interact with persons with a disability.[[7]](#footnote-7)

*Everyone can join in:* The Institute organised the campaign ‘Everyone can join in’. Organisations, companies and individuals could create a poster to show that persons with a disability are welcome in their organisation. Furthermore, tips are provided on how to become more accessible for persons with a disability.

Training:

Different sectors and organisations provide trainings related to awareness raising. The municipality of Maastricht, for example, created a training with the overall goal to become more inclusive. Part of this training is focussed on raising awareness among employees. Persons with a disability become a co-trainer to learn civil servants how to treat and interact with persons with a disability in the municipality. This training has been made public by the organisation of Dutch municipalities, so it can be used by other municipalities and organisations as well.[[8]](#footnote-8)

The Institute has created the training ‘Selecting without limitations’. This training focusses on selection procedures by employers. It lets employers think about the often unconscious prejudices they have about persons with disabilities and the practical possibilities to make the selection process more inclusive. Creating awareness about prejudices and stereotypes about persons with disabilities and its effect on the selection process is part of the training.

**5. Please provide information on the role of persons with disabilities and their representative organisations, including children with disabilities, in the design, implementation, monitoring and evaluation of all measures relating to awareness raising. Please provide detail on concrete mechanisms and activities undertaken for consultation and active involvement (e.g. regular meetings, online consultations etc.).**

The Institute does not have specific information on how organisations ensure the participation of persons with disabilities and their representative organisations in relation to measures taken to raise awareness about persons with disabilities. The Institute notices that there is an increase in initiatives to involve persons with a disability, which is a positive development. Notwithstanding, the Institute also receives signals that the involvement of persons with disabilities is not always well organised.

A good example is the involvement of an alliance of cooperating representative organisations in the implementation program ‘Unlimited participation’. Because of their participation in the program, it is ensured that persons with a disability are actively involved in policy-making by the government and other organisations. A first evaluation of the program has indicated that the participation of persons with disabilities has positive effects.[[9]](#footnote-9)

Utrecht, The Netherlands, July 16, 2019.

1. Ministry of healthcare, welfare and sports, *Unlimited Participation. Implementation of the UN Convention on the Rights of Persons with Disabilities,* [Programma VN-verdrag onbeperkt meedoen], 2018. [↑](#footnote-ref-1)
2. <https://vng.nl/index-lokale-inclusie-agenda/inzet> [↑](#footnote-ref-2)
3. Netherlands Institute for Human Rights, Annual report 2018. Access to Justice [Jaarlijkse rapportage 2018. Toegang tot het recht], 2019. [↑](#footnote-ref-3)
4. Netherlands Institute for Human Rights, *Monitor of discrimination cases 2018* [Monitor Discriminatiezaken 2018], 2018. [↑](#footnote-ref-4)
5. <https://www.zeteenstreepdoordiscriminatie.nl/wie-doen-mee/campagne-meedoen-met-een-handicap> [↑](#footnote-ref-5)
6. Ministry of healthcare, welfare and sports, *Participating with a disability. Report on the effectiveness of the campaign*, [Meedoen met een handicap. Eindrapportage campagne-effectenonderzoek], 2017. [↑](#footnote-ref-6)
7. <https://handicap.nl/verhaal/onzichtbare-beperkingen-aan-het-licht/?gclid=EAIaIQobChMIoI33-5id4wIVTuh3Ch1u2QOzEAAYASAAEgJqQfD_BwE> [↑](#footnote-ref-7)
8. <https://maastrichtvooriedereen.nl/wp-content/uploads/2018/02/Train-de-trainer-Bewustwording-Bejegening-Programma-en-draaiboek.pdf> [↑](#footnote-ref-8)
9. Ministry of healthcare, welfare and sports, Progress report 2019 Unlimited Participation [Voortgangsrapportage 2019 Onbeperkt meedoen], 2019. [↑](#footnote-ref-9)