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# A Blind Spot of a Guiding Country? Human Rights and Dutch Disability Groups Since 1981

## ABSTRACT

This article investigates how and why the framework of human rights was (not) used by two important Dutch cross-disability organisations, the Dutch Council of People with Disability and the Dutch department of Independent Living, since the International United Nations Year of Disabled Persons (1981) until now. As in other countries the word *human* is added to give the fight for equal civil rights by disability activists more power. In striving for civil rights and equal citizenship, Dutch disability activists were in particular inspired by the disability rights movement in the United States (US). At the beginning of the 1990s the Dutch disability activists hoped to realise equal citizenship as was achieved with the Americans with Disabilities Act and to play a role as guiding country in Europe. When disability was not added to Dutch non-discrimination legislation in 1994, a narrative of “lagging behind” with regard to disability policies came into being. This narrative inspires Dutch disability activists until today. In their struggle for equal citizenship it became increasingly common to refer to human rights. In referring to rights, the Dutch were relatively late in comparison to other Western countries and this can be explained by a combination of Dutch particularities.

Keywords: *Disability organisations, Netherlands, human rights*

## Introduction

In November 2012, the Dutch government promised to ratify the United Nations Convention of the Rights of Persons with Disabilities of 2006 within four years. In comparison to many other countries, this appears to be rather late.<sup>1</sup> The relatively late ratification of the UN Convention seems to illustrate the slowness of Dutch disability policy. Disability was not seen as a human rights issue in the Netherlands before the

1 In May 2015 already 154 countries have ratified the convention, according to the United Nations website <http://www.un.org/disabilities/index.asp>.

1990s.<sup>2</sup> Since then some Dutch disability activists have appropriated the human rights perspective on disability, but it never became as important as in other countries. Why was this perspective not strongly developed in the Netherlands? The long absence of disability as a human rights issue in the Netherlands is especially striking because of the image of the Netherlands as a human rights pioneering and self-proclaimed guiding country.<sup>3</sup>

To explain the experienced differences between countries, this article will necessarily historicise (the framework of) human rights in relation to the Dutch disability movement over the last three decades. Instead of using this framework for the analysis, the article will investigate how and why this framework was used, or rather not used, in the policy of Dutch cross-disability groups. Historicising concepts will help to go beyond the “Anglo-Saxon” perspective on disability groups, which often dominates the field of Disability Studies/History and takes a human rights as principle and not as object of research.<sup>4</sup> Historicisation is of relevance because we probably cannot understand disability groups in other spatial contexts as we see them as lagging behind exemplary groups in “Anglo-Saxon” countries.

Central to the article is the investigation of the questions how and why the framework of Human Rights was (not) used by two important Dutch cross-disability organisations, the *Nederlandse Gehandicaptenraad* (NGR, Dutch Council of Disabled People) and Independent Living Nederland (ILN), since the International United Nations Year of Disabled Persons (1981) until now. Based on archival research and secondary literature, how human rights were understood in relation to disability and how and why the appropriation of this framework changed over the years is investigated.<sup>5</sup> In this respect, the article will in particular investigate the role of international collaboration and exchange (entanglements) and the way the Dutch positioned themselves in global disability policies. Because the article is mainly based on Dutch sources, it is not possible to make a profound comparison between different countries. Nevertheless, a preliminary explanation for the differences in relating disability to human rights between the Netherlands and other countries will be developed in this article. Using the angle of human rights enables how the policies, strategies and aims of cross-disability groups were informed by a specific context like the Netherlands to be traced and in this way the article will contribute to a better understanding of disability movements outside the Anglo-Saxon world.

2 Based on the research as presented in this article.

3 Barbara Oomen: *Rights for Others: The Slow Home-Coming of Human Rights in the Netherlands*, Cambridge 2013.

4 Sebastian Barsch/Anne Klein/Pieter Verstraete: *The Need for Imperfection: Disability Histories in Europe*, in: *ibid.* (eds.): *The Imperfect Historian: Disability Histories in Europe*, Frankfurt am Main 2013, pp. 7–10.

5 Hereafter all quotes from Dutch sources are translated by the author.

## Disability Movements

In the 1970s and 1980s there was a global wave of disability protests. All over the world disabled people protested against the way they were treated, varying from budget cuts in social policy to issues of accessibility of buildings.<sup>6</sup> In these protests people with different disabilities often worked together, and on-going activism was organised by so-called cross-disability groups themselves. Although more research is needed, the phenomenon of cross-disability groups seems to be a relatively new element in disability activism. The invention of the social model of disability, that frames disability as a social construction instead of an individual deficit, enables the cooperation between different interest organisations that had not worked together before. The cooperation within cross-disability groups was mainly between people with sensorial and physical disabilities; people with intellectual or mental disabilities were often included only later. From the 1970s onwards cross-disability groups in several countries tried to have a say in the way disability was framed and the way disabled people were treated, with more and less success. The cross-disability groups in the US seemed the most successful, especially because of the American with Disabilities Act (ADA) in 1990. The ADA is a general non-discrimination act for people with disabilities and was the first of its kind.<sup>7</sup>

In interpreting their history these groups often emphasised the shift they have made in or after the 1980s. This can be illustrated by the framing of this transformation in the case of the United Kingdom (UK). In 1996 the British book, titled *Disability Politics: Understanding Our Past, Changing Our Future*, was written and published by Jane Campbell and Mike Oliver.<sup>8</sup> The authors considered the history and future of the disability movement on the basis of interviews with disability activists. The origins of the movement were seen in the 1960s, “when disabled people began to organise themselves around issues of income, employment, rights and community living [...] in order to secure a reasonable standard of life”.<sup>9</sup> In the 1980s a transformation took place in their understanding of disability: thanks to “new social movements”, disabled people began to “recognise that the problem of disability is externally located and that

- 6 Gildas Brégain: An Entangled Perspective on Disability History: The Disability Protests in Argentina, Brazil and Spain 1968–1982, in: Sebastian Barsch/Anne Klein/Pieter Verstraete (eds.): *The Imperfect Historian: Disability Histories in Europe*, Frankfurt am Main 2013, pp. 133–153; Sharon Barnartt/Richard Scotch: *Disability Protests: Contentious Politics 1970–1999*, Washington 2001.
- 7 Doris Zames Fleischer/Frieda Zames: *The Disability Rights Movement: From Charity to Confrontation*, Philadelphia 2001.
- 8 Jane Campbell/Mike Oliver: *Disability Politics: Understanding our Past, Changing our Future*, London/New York 1996.
- 9 *Ibid.*, p. 60.

our exclusion from society is a human rights issue”.<sup>10</sup> In the 1980s the British Council of Disabled People was established and, something that was very important to the authors and interviewees, it “took on board the social interpretation of disability”.<sup>11</sup> In contrast to a perception of disability as an individual limitation or loss, disabled people themselves redefined “the problem of disability as the product of a disabling society”.<sup>12</sup> For the US there is a comparable narrative and for other countries too, although the transformation was in other countries often took place later.<sup>13</sup> Probably because the US and UK were early and successful, they have played an exemplary role in disability politics. Important for this paper is the way human rights were linked to disability.

## Disability and Human Rights

The shift from disability as an individual medical problem to disability as a problem of the disabling society, is – as already mentioned – regularly presented by disability activists as a shift from disability as an issue of the welfare state to an issue of human rights.<sup>14</sup> This is probably related to the attention of the United Nations, supporter of human rights par excellence, to disability policy. In 1976 the General Assembly of the United Nations proclaimed 1981 as the International Year of Disabled Persons. By the proclamation of this year, accompanied by the slogan “full participation and equality”, the United Nations wanted to improve disabled people’s lives. After this year the United Nations continued this policy with different measures like a “decade” (1983–1992) and “Standard Rules on the Equalization of Opportunities for Persons with Disabilities” in 1993 and the already mentioned convention.<sup>15</sup>

10 Ibid., p. 62.

11 Ibid., p. 80.

12 Ibid., p. 105.

13 Doris Zames Fleischer/Frieda Zames: *The Disability Rights Movement: From Charity to Confrontation*; Swantje Köbsell: *Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement*, in: *Disability Studies Quarterly* 26:2 (2006), available online at: <http://dsq-sds.org/article/view/692/869> (accessed on 7 December 2014); Marion Heap/Theresa Lorenzo/Jacky Thomas: “We’ve Moved Away from Disability as a Health Issue, it’s a Human Rights Issue”: Reflecting on 10 Years of the Right to Equality in South Africa, in: *Disability and Society* 24:7 (2009), pp. 857–868.

14 Jane Campbell/Mike Oliver: *Disability Politics: Understanding our Past, Changing our Future*, p. 62; Mark Priestley: *Disability*, in: Francis G. Castles et al. (eds.): *Oxford Handbook of the Welfare State*, Oxford 2010, pp. 406–419.

15 See the chronology of the United Nations: *History of Disability and the United Nations*, available online at: <http://www.un.org/disabilities/default.asp?id=121> (accessed on 15 June 2014).

Therefore this paper will investigate how cross-disability groups used human rights. Although the history of these groups is still in its infancy, the available histories enable a first glance at the way disability and human rights were linked. Recent debates in the historiography of human rights and in particular *The Last Utopia* by Samuel Moyn make clear how important it is to investigate precisely which meaning human rights have been given in a particular context. Moyn argues that human rights have their current meaning, namely a set of rights grounded in individual dignity that should secure international protection, only since the 1970s and in particular since the 1990s.<sup>16</sup> This paper follows Moyn's approach by looking precisely on how and when human rights were used by disability groups. If we have a closer look to our example above, namely disability groups in the United Kingdom, we may question whether the framework of human rights played the important role as it was suggested by Jane Campbell and Mike Oliver.<sup>17</sup> In a recent dissertation about disability groups in Britain from 1965 to 1995 the word "human rights" is not even mentioned.<sup>18</sup> Maybe the importance of human rights is underestimated in this dissertation, but it raises also the question if human rights are used afterwards to give changes in the past greater significance?

More generally the available literature about disability groups gives the impression that the word human is added to give the fight for equal civil rights more power. From the existing histories of disability groups we know these groups were primarily focused on obtaining civil rights or equal citizenship within their own country.<sup>19</sup> Civil rights can be claimed by every citizen of a country. This is striking against the background of the history of human rights, written by Samuel Moyn. He argues that human rights during the 1970s became an issue of international justice. Human rights became part of a "global rhetoric" and a struggle for protecting rights of individuals all over the world.<sup>20</sup> So the framework of the nation state was no longer the dominant framework for interpreting human rights. In the case of disability activism however, we cannot speak about a global struggle as in the case of Amnesty International. While substantial activism was taking place contemporaneously in many countries and disability activists

16 Samuel Moyn: *The Last Utopia: Human Rights in History*, Harvard 2012. A shortened version of the author's paper was presented with the title *A blind spot?: Disability as a Human Rights Issue in the Netherlands* on the conference *Beyond Merchant and Missionary: Samuel Moyn and the Quest for a Holistic History of Human Rights, 1945-Present* in The Hague on 30 September 2013.

17 See Jane Campbell/Mike Oliver: *Disability Politics: Understanding our Past, Changing our Future*, London/New York 1996.

18 Gareth John Millward: *Invalid Definitions, Invalid Responses: Disability and the Welfare State 1965–1995*, dissertation, London School of Hygiene and Tropical Medicine 2013.

19 Ibid.; Doris Zames Fleischer/Frieda Zames: *The Disability Rights Movement: From Charity to Confrontation*; Swantje Köbsell: *Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement*.

20 Samuel Moyn: *The Last Utopia: Human Rights in History*, pp. 155, 169.

were cooperating across borders, the focus remained on improving national policies. The national focus can be explained by the fact that disability groups started their fight for equal rights often later than other minority groups: they had to improve their own national policies before they could take action in other countries to support their fellow disability activists.<sup>21</sup>

In a certain way the history of cross-disability groups underlines the argument of Samuel Moyn about the emergence of the modern human rights movement since the 1970s and the increasing influence since the 1990s. Disability activists began using a framework that had a strong appeal. However, because of the limited power of the UN on disability politics this framework did not become as important as in other fields.

## Disability as Human Rights Issue in the Netherlands

It is in particular interesting to look at disability as human right issue in the Netherlands because of the country's image as a human rights pioneering country. One would imagine a human rights framework (regardless whether it is used for a national or global struggle) would have found resonance in the Netherlands because the Dutch showed themselves sensitive to human rights abroad.<sup>22</sup> As Samuel Moyn briefly mentioned, gay rights activists in the United States began to describe their cause as a human rights campaign when Jimmy Carter developed his human rights policy.<sup>23</sup> Can we observe a comparable campaign of disabled people in the Netherlands?

As in other countries, disability protests have taken place in the Netherlands since the 1970s, mostly about budget cuts in the welfare state and some about issues of accessibility.<sup>24</sup> The protests rarely resulted in cooperation between different interest groups and the development of national cross-disability groups.<sup>25</sup> Since the 1970s, the Dutch government stimulated organisations of disabled people to work together to obtain a common voice in the political arena. It was not until 1985 that people with disability had their own cross-disability organisation, funded by the government

- 21 Catherine J. Kudlick: *Disability History: Why We Need Another "Other"*, in: *American Historical Review* 108:3 (2003), pp. 763–793.
- 22 Barbara Oomen: *Rights for Others: The Slow Home-Coming of Human Rights in the Netherlands*.
- 23 Samuel Moyn: *The Last Utopia: Human Rights in History*, p. 174.
- 24 There is no literature about these protests, but disability activists have published about their history at [www.gehandicaptenschrijvengeschiedenis.nl](http://www.gehandicaptenschrijvengeschiedenis.nl) (accessed on 15 June 2014).
- 25 Ido de Haan/James Kennedy: *Progress, Patients, Professionals and the Psyche: Comments on Cultures of Psychiatry and Mental Health Care in the Twentieth Century*, in: Marijke Gijswijt-Hofstraet et al. (eds.): *Psychiatric Cultures Compared: Psychiatry and Mental Health Care in the Twentieth Century: Comparisons and Approaches*, Amsterdam 2005, pp. 424–437.

and apart from service providers: the *Nederlandse Gehandicaptenraad* (NGR, Dutch Council of Disabled People).<sup>26</sup> Because of the fragmentation of disability groups and the major role of the state it is difficult to speak about a Dutch disability movement that is comparable to other new social movements.<sup>27</sup>

The International Year of Disabled Persons in the Netherlands was therefore marked by discussions about the issue “nothing about us without us”: was this year organised for or by people with disabilities?<sup>28</sup> This year did not lead to the foundation of new organisations in the Netherlands, in contrast to the formation of new self-guided organisations in other countries.<sup>29</sup> The forerunner organisation of the *Nederlandse Gehandicaptenraad* decided to remain a member of Rehabilitation International (RI), a leading international organisation dominated by service providers, and to become a member of Disabled People International (DPI), a new initiative in 1981 of disabled people themselves.<sup>30</sup> This decision reflected the policy of the *Nederlandse Gehandicaptenraad*. On the one hand they wanted to be part of the international disability movement that was striving for emancipation, on the other hand they wanted to remain at one table with (non-disabled) rehabilitation experts to maintain influence on legal arrangements, concepts and enforcement of rehabilitation. With respect to the last aim, they did not want to be too radical because of the danger of not being taken seriously as a discussion partner. This moderate attitude was characteristic for other social movements, too, which were often intertwined with the state due to subsidies.<sup>31</sup>

Although the *Nederlandse Gehandicaptenraad* archive of the 1980s is far from complete, there is no indication of an articulation of a framework of human rights by the council in this decade. The *Nederlandse Gehandicaptenraad* was nevertheless aware of the worldwide struggle of disability organisations for emancipation and for obtaining equal civil rights. The commission of the *Nederlandse Gehandicaptenraad* that was

- 26 Harry Dietz: *Het Dorp van binnen en buiten: Ontstaan en ontwikkeling van een woonvorm voor mensen met een lichamelijke handicap in maatschappelijk perspectief 1962–1997*, Arnhem 1997, pp. 69, 91.
- 27 Paul van Trigt: *Blind in een gidsland: Over de bejegening van mensen met een visuele beperking in de Nederlandse verzorgingsmaatschappij 1920–1990*, Hilversum 2013.
- 28 See for example the retrospective of Hans Ouwerkerk: *Gehandicapten*, in: *Dagblad van het Noorden*, 13 March 1982, available online in a Dutch newspaper database at: [www.delpher.nl](http://www.delpher.nl) (accessed on 15 June 2014); Monika Baár is working on a paper about the way this year is organised in different countries including the Netherlands.
- 29 In Germany for example, see Swantje Köbsell: *Towards Self-Determination and Equalization: A Short History of the German Disability Rights Movement*.
- 30 Yolán Koster-Dreese, a note, March 1988, in: *Archive Ieder(in) Utrecht* (not inventoried), Map Archive GR 1977–1989 International contacts. *Ieder(in)* is the successor of the *Nederlandse Gehandicaptenraad*, see their website at: [www.iederin.nl](http://www.iederin.nl).
- 31 Ido de Haan: *Het beginsel van leven en wasdom: De constitutie van de Nederlandse politiek in de negentiende eeuw*, Amsterdam 2003, pp. 208–210.

responsible for international contacts was moderately optimistic about the situation in the Netherlands: although the Dutch still could learn a lot from other countries, they were forerunners in the implementation of disability policy.<sup>32</sup> This optimistic tone can partly be explained by the diversity of *Nederlandse Gehandicaptenraad*. The employees of this organisation evaluated the situation in the Netherlands differently, as became clear from the discussions in 1981. Nevertheless, as will become clear in the following paragraphs, the really critical evaluation of the Netherlands as “lagging behind” with regard to the inclusion of people with disabilities was of later date. In the following paragraph it will be argued that the Americans with Disabilities Act of 1990 (ADA, signed by the conservative George Bush senior) was very important in this respect.

### The US as Guiding Country

Despite the Dutch self-image as being a globally guiding country in human rights since the 1970s, the US is generally seen as the main point of reference for the civil rights of disabled people.<sup>33</sup> One of the clearest examples is the worldwide spreading of the Independent Living (IL) movement that became famous with the realisation of an independent living centre in 1972 in Berkeley, California. By providing accessible houses and personal assistance Independent Living centres enabled independent living. Independent Living strived for self-determination and equal rights for people with disabilities.<sup>34</sup> In 1990 the foundation of Independent Living Nederland (ILN) started, after the first European Independent Living meeting the year before.<sup>35</sup> From the Independent Living Nederland archive it becomes clear that founders of this organisation, such as Tine Kouwenhoven, were very internationally oriented: they collected information from different countries, visited some Scandinavian countries and had contact with activists all over the world.<sup>36</sup> In the beginning Independent Living Nederland worked closely together with Independent Living in Flanders, Belgium.

32 Undated note about international contacts, in: Archive Ieder(in) Utrecht (not inventoried), Map Archive NGR 1977–1989 International contacts. Ieder(in) is the successor of the Nederlandse Gehandicaptenraad, see their website [www.iederin.nl](http://www.iederin.nl).

33 Barbara Oomen: *Rights for Others: The Slow Home-Coming of Human Rights in the Netherlands*; James C. Kennedy: *De deugden van een gidsland: Burgerschap en democratie in Nederland*, Amsterdam 2005.

34 Doris Zames Fleischer/Frieda Zames: *The Disability Rights Movement: From Charity to Confrontation*, p. 39.

35 The information in this subparagraph is based on the archive parts as mentioned in the following footnote.

36 Because the archive of the Dutch Independent Living is a little one, it is difficult to trace what they exchanged with fellows abroad. It only becomes clear that they need an international orientation because of the lack of such initiatives in the Netherlands.



Whereas *Nederlandse Gehandicaptenraad* was an umbrella organisation in which many self-advocate groups worked together, mainly to have one voice towards the government, Independent Living Nederland was an activist group with specific targets. One of the main objectives of this foundation was the so-called Personal Assistance Budget that would enable the self-determination of people with disabilities and reduce the power of the service providers. Independent Living Nederland made other choices in international collaboration than *Nederlandse Gehandicaptenraad*, because the latter was at the end of the 1980s more active in Rehabilitation International than in Disabled People International. Independent Living Nederland was surprised by the choice of *Nederlandse Gehandicaptenraad* and committed itself to Disabled People International.<sup>37</sup> The second meeting of the European Network on Independent Living (ENIL) was organised by Independent Living Nederland and took place in the Netherlands.<sup>38</sup>

The foundation and activity of Independent Living Nederland appears to be part of a broader Dutch ambition to progress in obtaining equal civil rights in the Netherlands and Europe. This ambition was probably stirred by observing the breakthrough in the anti-discrimination legislation in the United States and the renewed attention of the United Nations to the issue of disability rights. According to Theresia Degener, the United Nations report of 1991 *Human Rights and Disability* by the human rights lawyer Leandro Despouy, was the “first official study of the causal connection between serious violations of human rights and fundamental freedoms and disability”.<sup>39</sup> These developments gave undoubted hope for new disability legislation in the Netherlands and Europe. Although Independent Living Nederland wanted to remain independent and therefore did not become a member of *Nederlandse Gehandicaptenraad*, these two organisations worked together regularly during the 1990s to realise this ambition. One of the first and main achievements was the organisation of Eur’able in cooperation with Disabled People International Europe in 1993, an international conference for and by people with disabilities in Maastricht. With the choice of this location and name of the conference – Eur’able means something like Europe enables or you’re able – the organisers made clear they wanted disability rights high on the agenda of the European Union, erected in 1992 in Maastricht. One of the speakers, Bas Treffers, stated that the disability rights issue had momentum:

37 Minutes meeting, 30 June 1989, in: Archive Independent Living Nederland (ILN, not inventoried, part of the archive of Harry Dietz), box ILN 1989–1991 “het allereerste begin”.

38 Note about purpose and background ILN, in: Archive Independent Living Nederland, box ENIL until 1991 and other international conferences.

39 Conference proceedings, in: Archive Independent Living Nederland, box Eur’able 1993.

Although it appears that a Europe of different speeds is in the making, it is clear that the average speed over the whole line has increased greatly in comparison to the 1950s. [...] If Europe is there for its citizens, then it must also be there for citizens with a disability.<sup>40</sup>

On the conference disability rights were regularly framed as human rights, especially by Theresia Degener, but more often as civil rights.

The conference made clear how the Dutch disability activists saw themselves. It was no coincidence that the conference was initiated by them. In the programme, the organisers explained why this conference, which should “promote studies of the living conditions of the disabled”, was organised in Maastricht:

People with a disability in the Netherlands don't want authorities, organisations, and institutions to make decisions about their lives. They think that they should have the final word in deciding what is right for them. The movement of disabled people in the Netherlands has become a highly effective emancipation movement. In this matter, the Netherlands has a unique position in Europe. It's no wonder that the Eur'able congress will be held here.<sup>41</sup>

With their aim at emancipation they seemed primarily to refer to the existence of interest groups and service providers who – thanks to subsidies – improve the living conditions of people with disabilities and enable that they “take their rightful place in society”.<sup>42</sup> In that sense the Dutch were forerunners: “in developing countries, even Eastern Europe, provisions are often considerably less satisfactory than they are in the Western World. Conditions in the Scandinavian countries and the Netherlands are generally regarded as good”.<sup>43</sup>

When the way the organisers and Dutch activists communicate in the conference programme is compared to the way they talk about the living conditions of the disabled in the Dutch media, another picture arises. The organising activists were far more critical about the Dutch situation in their reactions to the Dutch press. The secretary of the *Nederlandse Gehandicaptenraad*, Yolan Koster-Dreese, mentioned the difficulties of disabled Europeans and the exemplary role of the legislation in the United States.<sup>44</sup> Even more critical was the chair of the *Nederlandse Gehandicaptenraad*, Ab Vriethoff, who highlighted the emancipation of disabled persons was lagging more than ten years

40 Ibid.

41 Conference programme, in: Archive Independent Living Nederland, box Eur'able 1993.

42 Ibid.

43 Ibid.

44 Newspaper clip, in: Archive Independent Living Nederland, box Eur'able 1993.

behind that of Dutch women.<sup>45</sup> He did not rule out the disability movement would become more militant: “In the past roads and railways has been blocked, we need to go back to that!”<sup>46</sup> So, the Dutch organisations of disabled people saw on the one hand a leading position for themselves in the fight for disability rights in Europe and on the other hand, they framed the situation of the disabled in their own country as open for improvement in comparison with the US and other Dutch emancipatory groups. The last point has become obvious particularly in the discussions about new Dutch non-discriminatory legislation.

## Dutch Non-discrimination Legislation

In Dutch society the emancipation of marginalised groups, such as women and gays, received a lot attention in the 1980s.<sup>47</sup> Society as a whole was already emancipated from suppressive regimes and obtained freedom and autonomy, as was the dominant opinion at that time, during this decade those who were lagging behind had to emancipate.<sup>48</sup> One of the main results of the attention paid to the emancipation of minority groups was the adoption of the Equal Treatment Act in 1994 that forbade discrimination on the basis of religion, race, sex and political orientation. During the last stage of preparation of the law, a process that already started in the 1980s, disability groups such as *Nederlandse Gehandicaptenraad* and Independent Living Nederland tried to add disability to the list of discriminatory categories.<sup>49</sup> But, the responsible department saw no possibilities. In the explanation of the proposal the government seemed not really aware of the (potential) discrimination towards disabled people. People with disabilities often lived and worked in segregated places, so discrimination in “normal life” was probably not a recognised issue. Moreover, anti-discrimination legislation would be at odds with other specific disability legislation. In other words: it was difficult to treat people with disabilities as equal, but when it comes to social services as unequal. The *Nederlandse Gehandicaptenraad* corresponded with political parties to show them this did not have to be the case. Their members visited The Hague to persuade politicians, organised a conference with experts and politicians and made a “*zwartboek*” (black book, unpublished) with stories about disability discrimination. Most effective was probably the visit to The Hague: the representatives of the NGR

45 Ibid.

46 Ibid.

47 James C. Kennedy: *De deugden van een gidsland: Burgerschap en democratie in Nederland*.

48 See Bram Mellink: *Worden zoals wij: Onderwijs en opkomst van de geïndividualiseerde samenleving sinds 1945*, dissertation, University of Amsterdam 2013.

49 Correspondence Equal Treatment Act, in: Archive Independent Living Nederland, box 1993–1994.

spoke among others with a politician of Democraten 66 (D66), a liberal-democratic party. Parliamentarian of this party Louise Groenman was until then not concerned with the disability perspective on discrimination, but she agreed with the arguments of the *Nederlandse Gehandicaptenraad* and promised to delve into relevant documents.<sup>50</sup> She kept her word and during the discussions in parliament she was one of the few that pleaded for the addition of disability.<sup>51</sup> During the parliamentary discussion about the law a group of about 60 disability activists blocked one of the main roads in The Hague. The traffic was successfully disrupted, but the law remained unchanged regarding disability.<sup>52</sup>

Of course this was a big disappointment for the disability activists involved. This law was an opportunity to make progress in disability politics in Europe. Since then the Dutch presented themselves less as “highly effective emancipation movement” and more as “lagging behind”, despite the awareness of relatively good provisions of the Dutch welfare state. The narrative of “lagging behind” was inspiring. Many activities took place in the 1990s that aimed to change the dominant opinions about disability. Dutch disability groups regularly demonstrated for equal rights and in different publications disability was presented as an issue of citizenship and discrimination.<sup>53</sup> Once more they showed their international orientation: in 1995 *Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments* was published as a result of a *Nederlandse Gehandicaptenraad* project, carried out by Theresia Degener and Yolán Koster-Dreese. According to the editors, this “paper work [...] can become a strong weapon in the hands, minds and feet of those who are willing to fight repression and discrimination”.<sup>54</sup> Besides this scientific publication a popular edition was made: “In order to assist Dutch organisations of disabled persons in improving this role, the *Gehandicaptenraad* has published a Hand-Nose- and Foot-Book as a supplement to this volume. Other countries are encouraged to follow this path”.<sup>55</sup> More research is needed to measure the effect of this publication.

50 Ibid.

51 Acts Parliament, 9 February 1993, *Handelingen Tweede Kamer 1992–1993*: 9 februari 1993, in: *Staten-General Digital: Parlementaire documenten uit de periode 1814–1895*, available online at: [www.statengeneraaldigitaal.nl](http://www.statengeneraaldigitaal.nl) (accessed on 15 June 2014).

52 *The Independent*, July 1993, in: *Archive Independent Living Nederland*, box ILN 1989–1991 “het allereerste begin”.

53 Paul van Trigt: *Historicizing the Social Model: Some Preliminary Thoughts About the History of Disability, Science and Politics in Postwar Britain and the Netherlands*, in: *Studien des Aachener Kompetenzzentrums für Wissenschaftsgeschichte*, Kassel 2014/2015 (in press).

54 Theresia Degener/Yolán Koster-Dreese: *Preface*, in: *ibid.* (eds.): *Human Rights and Disabled Persons: Essays and Relevant Human Rights Instruments*, Dordrecht 1995, pp. xi–xiv.

55 Ibid.

Meanwhile, there was a lot of work to do in the Netherlands from a disability activist's perspective: not only in society, but also in disability organisations. It was only a limited group of Dutch disability activists that had a radical point of view when it came to disability rights. One of the members of Independent Living Nederland, Theo Zwetsloot, wrote in a note that he would be positive about a sort of a new "second movement" including Independent Living Nederland besides a "now widely seen as bureaucratised" *Nederlandse Gehandicaptenraad*.<sup>56</sup> The interpretation of disability in terms of civil rights was contested within the *Nederlandse Gehandicaptenraad*. In 2000 activist Bas Treffers criticised the decision of the council to accept the proposal of the Dutch government to promise a prize every year for the municipality that had best implemented the Standard Rules of the United Nations for the Equalisation of Opportunities for Persons with Disabilities; a prize for what was a normal obligation, Bas Treffers complained.<sup>57</sup> So, even disabled people themselves did not agree about the way disability should be approached. The people who consequently advocated the perspective of rights mentioned human rights almost always together with civil rights, because that was their ultimate goal. The US was still exemplary: people like Bas Treffers were impressed by the disability rights movement and the American with Disabilities Act. Although another activist, Agnes van Wijnen, did not see herself as a "fan of America", she experienced her visit to the conference commemorating the ten year anniversary of the act's enactment as a visit to "another world". Adaptations like accessible toilets for both men and women instead of a neutral disability toilet made "even urinating an empowering activity".<sup>58</sup>

Around 2000 the Dutch understanding of disability seemed to change a little bit. Human rights were for the first time explicitly mentioned as an important framework in the policy plan of the *Nederlandse Gehandicaptenraad* for the years 1999–2004. This plan built on the shift from disability as a healthcare issue to an issue of citizenship in the 1990s and aimed at "equal rights and equal opportunities" and the maintaining of "human rights, civil rights and political rights."<sup>59</sup> The lobby for anti-discrimination leg-

56 Theo Zwetsloot about cooperation, a note, in: Archive Independent Living Nederland, box 1993–1994.

57 Bas Treffers: Gehandicapten moeten Europese instellingen systematisch bewerken: Standard Rules als richtsnoer, in: *Versie. Tijdschrift voor gezondheid, burgerschap en politiek* 2:1 (2000), pp. 34–41.

58 Agnes van Wijnen: Tijd voor een "Mars op Den Haag": Mensenrechten van gehandicapten in de praktijk, in: *Versie. Tijdschrift voor gezondheid, burgerschap en politiek* 2:4 (2000), pp. 4–9.

59 Agnes van Wijnen/Ingrid L. Baart: Volwaardig burgerschap: Een haalbaar ideaal: Meerjaren strategisch beleidsplan 1999–2004, Utrecht 1999; See Douwe van Houten/Conny Belle-makers: Equal Citizenship for All: Disability Policies in the Netherlands: Empowerment of Marginals, in: *Disability and Society* 17:2 (2002), pp. 171–185; Martin Schuurman: Naar de samenleving: De transformatie van de inrichtingszorg voor mensen met verstandelijke

isolation was also finally successful: in 2003 the Equal Treatment Act was supplemented with a law that forbade the discrimination of people with disabilities and chronic diseases in the areas of employment, higher education and public transport. After the new legislation, the *Nederlandse Gehandicaptenraad*, that in 2001 merged with the National Council of Chronically Ill People, organised a series of presentations about equality in 14 Dutch cities and published, inspired by Swedish activists, a booklet for Dutch municipalities about the United Nations standard rules.<sup>60</sup> Nevertheless, the current Dutch reception of the United Nations Convention of the Rights of Persons with Disabilities seems to indicate that disability is still not seen as an issue of human rights. The department of Health, Welfare and Sport is responsible for the implementation and new laws are not yet assessed from the human rights perspective. The most successful strategy seems to be the investment in local arrangements, as is done by the Coalition for Inclusion, an organisation of disabled people that is focused on the implementation of the United Nations Convention of the Rights of Persons with Disabilities. In the medium-sized town Almere, for example, disability groups and the local government are working together to make Almere an inclusive city.

## Dutch Political Culture

This article mainly focuses on the way the framework of human rights was used by Dutch cross-disability groups and how these groups framed themselves in the world of disability policies. It is difficult to draw conclusions about the precise impact of transnational connections, but what Dutch disability activists did is clearly influenced by such connections. They regularly made comparisons with abroad and these comparisons were important for their self-understanding. It would be interesting to close this paper with a preliminary answer to the complex question how to explain the Dutch position of “lagging behind” when it comes to interpreting disability as a civil rights issue and the lack of enthusiasm for the human rights framework in a human rights pioneering country. In the first place we know that the Netherlands, because of their limited military involvement in wars, lacks strong groups of disabled veterans that have played an important role in other countries.<sup>61</sup>

bepkeringen in Nederland, tussen 1989 en 2014, in: *Nederlands Tijdschrift voor de zorg aan mensen met verstandelijke beperkingen* 1 (2014), pp. 10–34.

60 Reader Agenda 22, in: Archive Ieder(in), map archive NGR “P31 Non-Discriminatie/Gelijk=gelijk 2003”. Ieder(in) is the successor of the *Nederlandse Gehandicaptenraad*, see their website [www.iederin.nl](http://www.iederin.nl).

61 Paul van Trigt: *Blind in een gidsland: Over de bejegening van mensen met een visuele beperking in de Nederlandse verzorgingsmaatschappij 1920–1990*.

Secondly, we know that the Dutch welfare state was built up relatively late but in a very extensive manner. Besides guaranteeing an income for every citizen, a lot of money was invested in social work, the immaterial side of the welfare state.<sup>62</sup> In social work disabled people had a lot to do with human scientists, who developed specific approaches for specific groups of disabled people, which all focused on individual self-realisation. Probably this welfare policy led to what sociologist Bram de Swaan has called proto-professionalisation: people were going to understand themselves with the help of these professional concepts. The organisation of the Dutch welfare state is therefore an important reason why disabled people did not feel the urgency to organise themselves in cross-disability groups that fight for civil rights instead of focusing on having a say in specific services as interest groups often did.<sup>63</sup>

In third place, I doubt – in line with an argument once made by James Kennedy<sup>64</sup> – if Dutch political culture is stimulating citizens to be political dissident and to claim their rights. Political culture is based on or at least striving for consensus. The careful policy of the *Nederlandse Gehandicaptenraad* is therefore exemplary. The Dutch involvement in the global human rights movement Samuel Moyn is writing about was relatively safe: pointing to violation of human rights in the Netherlands was more difficult, especially because when disability would become a human rights issue, society would really have to change things. Emancipation of minorities in the Netherlands is often presented as “becoming like us”<sup>65</sup>, but the “us” must also change when disability becomes a human right issue. This is exactly what we see in the discussions about the ratification and implementation of the United Nations Convention today. The Dutch are willing to help the world change, but to change themselves and their society is a more difficult task.

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62 Kees van Kersbergen: Religion and the Welfare State in the Netherlands, in: Kees van Kersbergen/Phillip Manow (eds.): Religion, Class Coalitions and Welfare States, New York 2009, pp. 119–145.

63 I have elaborated on this point in my article about the social model, mentioned above in footnote 53.

64 James C. Kennedy: Dwarse burgers: Amerikaanse lessen in dissidentie voor Nederland, in: Imrat Verhoeven/Marcel Ham (eds.): Brave burgers gezocht: de grenzen van de activerende overheid, Amsterdam 2010, pp. 211–223; see Remieg Aerts: Civil Society or Democracy? A Dutch Paradox, in: Low Countries Historical Review 125:2–3 (2010), pp. 209–236.

65 To refer to the recent dissertation of Bram Mellink about individualisation in the post war period, see Bram Mellink: Worden zoals wij. Onderwijs en opkomst van de geïndividualiseerde samenleving sinds 1945.

century was published as *Blind in een gidsland. Over de bejegening van mensen met een visuele beperking in de Nederlandse verzorgingsmaatschappij, 1920–1960* (Hilversum: Verloren, 2013).