

**The Netherlands's review in the Working Group,  
Tuesday 15 April 2008, Morning 9 am – 12 am  
Analytical summary**

**The Troika**

The members of the Troika were Peru, Pakistan and Nigeria. They all took the floor and asked questions/made recommendations. None of them mentioned they were a Troika member.

**Presentation by the delegation of the Netherlands**

**Presenter:** Ms. Nebahat Albayrak, State Secretary for Justice, Ministry of Justice of the Netherlands (head of delegation)

**Speaking time:** 14 minutes

**On the report:**

- **Terrorism:** the delegation declared that the country is facing radicalization that precedes terrorism, which can be caused by a lack of political freedom and participation. Thus, all is done to promote good governance and the rule of law, with an *effective mechanism to counter terrorism in the earliest possible stages by supervising individuals under suspicion*. Human rights apply to all, including detainees, terrorist suspects etc.
- **Human trafficking and prostitution:** trafficking is fervently combated. The delegation noted that the Netherlands were the first country to establish an *independent national rapporteur* on this issue in 2000. Victims of trafficking have a period of reflection of 3 months in which to decide if they want to cooperate with the police, they then receive a residence permit. If not, they can request one. Also, *the ban on brothels was lifted in 2000, leading to better protection of sex workers*.
- **Prevention and combating of discrimination:** there is an *anti-discrimination bureau* and a wide range of measures have been taken to counter social division, a *policy plan is currently being developed combating racial discrimination on the internet, in the labour market* etc. To combat discrimination and islamophobia, respect is a key aspect in the national policy, which is in line with the country's tradition of freedom of religion.
- **Women:** to increase their labour participation, a *minister of emancipation* has been appointed.
- **Children:** Children's rights are important, thus a *minister on youth and family* has been appointed, who aims at reducing the number of cases of child abuse.
- The delegation declared that although the country feels strongly about the protection of human rights, they also are aware of shortcomings and that the delegation did not expect only compliments but was also *open to criticism*.

**Answers to questions received in advance:**

- **National human rights institution** (Italy): the delegation noted that there already are several human rights institutions such as the ombudsman and the equal treatment commission.
- **Convention on enforced disappearances** (France): the delegation declared that the State is planning to sign the convention as soon as possible.
- **Preparation of national report** (UK): a panel discussion has taken place and over 20 organizations have been consulted in the preparation of the report including the ombudsman and the equal treatment commission.
- **Religious clothing** (UK): clothing that completely covers the face is undesirable. However, wearing of the Burqa or Niqab is a form of religious expression that may only be restricted in special cases.
- **Segregation** (UK): the delegation said that de facto segregation is a serious problem. A centre for mixed schools has been established.
- **Human rights education** (Italy): activities being put in place and schools can choose how to incorporate this in their programme.

- **Violence against women** (Sweden): a new action program on domestic violence is being currently worked on.

### Interactive dialogue

Number of countries that took the floor

**37 countries** took the floor during the interactive dialogue, **26 of which were human rights council member states** (*Azerbaijan, Bangladesh, Brazil, Canada, China, Cuba, Egypt, France, Ghana, Guatemala, India, Indonesia, Italy, Jordan, Malaysia, Mexico, Nigeria, Pakistan, Peru, Republic of Korea, Russian Federation, Saudi Arabia, Slovenia, South Africa, Switzerland and the UK*) and **11 of which were non-member states** (*Belgium, Holy See, USA, Iran, Turkey, Belarus, Israel, Algeria, Morocco, New Zealand and Sweden*).

### Questions

#### **National human rights institution/education**

- Work that is underway to set up this institution and the division of tasks between this and other already existing human rights institutions (Belgium and New Zealand)
- Additional information on human rights education activities (Switzerland)

#### Responses by the delegation

The delegation held that the State is considering the division of tasks between these institutions, and that it is aware of the fact that the new institution should add value, and be in line with the Paris principles.

#### **Euthanasia/right to life**

##### *On euthanasia of infants with very serious disabilities*

- Recognition of the Dutch government of the rights of the newborn child within the Covenant on Civil and Political Rights and the Convention on the Rights of the Child (Holy See and Egypt)

##### *On euthanasia in general*

- Measures taken to address concerns about euthanasia (South Korea)

#### Responses by the delegation

To end a life is a criminal offense in the Netherlands, classified as homicide, even in cases of unbearable suffering. However, complex medical and ethical problems can arise, and in some cases of unbearable suffering without prospects euthanasia can be authorized. A commission to investigate this matter has been set up.

The euthanasia act has been evaluated in 2007, the report showed that it has met the 3 key aims: ensure control, guarantee legal certainty and medical control.

#### **Children**

- Intention of the government to remove reservations to the convention of the rights of the child (South Africa)
- Measures taken to prevent drug and alcohol abuse by children, as well as improvement of mental health services for adolescents (Slovenia)

#### **Migrants/minorities/Refugees**

##### *(Racial) discrimination*

- Persistence of significant discrimination against immigrants (France)
- Measures of government to improve the integration of religious and ethnic minorities who are being discriminated, especially Muslims (USA)
- Reconciliation of the freedom of speech with article 4 of the convention on racial discrimination banning propaganda (Cuba)
- Inclusion of migrants in legislation to prevent discrimination include all citizens (Mexico)

- Measures taken to deal with the persistent problem of racial profiling (South Africa and Saudi Arabia)
- Verification of political parties to ensure that they do not propagate racism (Egypt and South Africa)
- Effectiveness of the equal treatment commission in combating discrimination and follow up of complaints (Azerbaijan and Switzerland)
- Strategies to eliminate discrimination in education and on the labour market (Indonesia and Italy)
- Plans to join the convention on migrant workers (Morocco and Azerbaijan)

#### Responses by the delegation

The delegation said that there will always be value-based conflicts in a multicultural society, but these can be solved peacefully in a democratic society. Also, it is difficult to ban prejudice from people's mind. The delegation is aware of the dramatic changes since 2001 and a wide range of measures has been taken. However, trends need to be seen in a wider international context. Discrimination on the labor market is given a lot of attention from the minister of integration. Furthermore, as there are always ties between minorities and the country of origin, one should look into promoting human rights developments in country of origin. A report has been submitted in November 2007 to the UN with details on anti-discrimination policies. Finally, a national network of anti-discrimination bureaus is being set up.

#### *Segregation*

- Measures taken to tackle school segregation, which is recognized as a serious problem (Turkey)

#### Responses by the delegation

There are agreements on municipal level and schools have to report on what they do to counter segregation. The education inspector makes sure that schools make a contribution. But this segregation has to do with other factors as well, such as segregation of housing. Measures on a more diverse housing policy are already showing effect, however.

#### *Asylum seekers/integration*

- Guarantees of 48 hour principles in asylum procedure/strengthen machinery to guarantee access.
- Reconciliation of integration with CESR (Bangladesh)
- Measures taken to enhance the protection of illegal immigrants (in reaction to fire in detention centre in October 2005 which cost the lives of 11 immigrants that were about to be repatriated) (France and Egypt)

#### Responses by the delegation

Participation in society by diverse groups implies equality and respect for freedom of religion and expression. Discrimination will not be tolerated. Integration is a 2 way process, there are also expectations from the receiving society.

The fire was a dramatic incident that occurred in a centre for illegal immigrants waiting for repatriation. Measures have been taken to improve safety. Construction safety has been evaluated and guidelines for personnel have been standardised.

#### **Religious hatred/xenophobia**

- Measures taken to tackle the incitement to racial and religious hatred with regard to defamation of religions and islamophobia (Iran, Pakistan, Morocco, Indonesia, Saudi Arabia)
- Insufficient provisions to constrain the freedom of expression (Jordan)
- Freedom of religion as a fundamental right (India)

#### Responses by the delegation

Fitna (a recently released movie on Islam) addresses fears in society, influenced by terrorist attacks and the murder of Theo van Gogh but polarizes by identifying Muslims with a small group of extremists. Dutch Muslim organizations have openly rejected violent reaction and discouraged Muslim countries to boycott the Netherlands.

## **Trafficking**

- Assessment of current policy on victims of trafficking (Brazil)
- Measures taken to properly investigate cases of human trafficking to punish perpetrators rather than victims (Nigeria)
- Combating of trafficking with regard to the demand of the sex industry in the Netherlands (Bangladesh)
- Effectiveness of the comprehensive approach to trafficking (national rapporteur etc.), enforcement possibilities and successes (Israel)
- Recommendations made by the national rapporteur (Sweden)

### Responses by the delegation

The delegation responded that victims of trafficking get a residence permit when they cooperate with the authorities. A permit can also be granted after residing in the Netherlands for 3 years. All recommendations of the special Rapporteur on victim assistance have been implemented.

However, the real answer to the problem lies in combating the perpetrators, which starts in the country of origin. As an example, the delegation declared to be satisfied with the ongoing cooperation with Nigeria, which resulted in the arrests of people engaged in trafficking of persons from Nigeria to the Netherlands.

A national human trafficking task force that coordinates efforts of different institutions has been set up, adding to the existing infrastructure.

## **Death penalty**

- Popular support for the death penalty (72% of the Dutch population) and possible reconsideration of the Dutch government to reinstitute it (Egypt)

### Responses by the delegation

The Netherlands, the delegation noted, is not run by opinion polls but by the parliament and this opinion does not represent the majority of Dutch people represented in the parliament. The delegation reaffirmed the State's stance against the death penalty.

## **Violence against women**

- Insufficient data on violence against women, and information on how the new action programme will address the concerns of the special Rapporteur (Canada)
- Reasons for high numbers of domestic violence against women (India)

### Responses by the delegation

An emancipation monitor has been set up to address violence against women and children. Research is done by the ministry of justice which registers cases of violence. Domestic violence affects women disproportionately, mostly committed by men, but also men are affected, so the State's approach is gender neutral, although the State is examining if a gender specific policy is advisable and how this could deal with domestic violence. Assistance programs already target specific groups, such as women, children and minorities.

## **Counter-terrorism**

- Recent act expands scope of investigations: compliance of this act with international human rights standards such as the right to fair trial (Brazil)
- Reconciliation of counter-terrorist measures with human rights (Cuba)

### Responses by the delegation

Protection of human rights has been taken into account in this new law. The ministry of justice, while drafting it, has looked at the possible effects on human rights and examined compatibility; then the council of state gave its opinion, followed by the parliament. This ensures that the national legislation on counter terrorism meets international human rights standards.

## **Cybercrime**

- Effectiveness of measures to combat cybercrime and readiness of government to adopt further measures (China and Bangladesh)

#### Responses by the delegation

The large number of complaints submitted to the discrimination hotline can partly be attributed to the fact that the internet is an easy platform for racist expressions. New measures against cybercrime were introduced in December.

### **Recommendations**

#### **Signing/ratification of international human rights instruments**

France recommended that the convention against enforced disappearances be ratified as soon as possible.

#### *Responses by the delegation*

*The convention will be signed around the next meeting of the United Nations General Assembly and the ratification process will start shortly afterwards.*

Peru, Guatemala, Egypt and Algeria recommended that the convention on migrant workers be signed as soon as possible

#### *Responses by the delegation*

*The basic rights to illegal migrant workers to health care, justice and education are secured but it goes too far to take protection to the same level as for legal workers.*

Brazil recommended that the Netherlands ratify the optional protocol to the Convention against torture

Russia recommended that clear timeframes be set for the ratification process of the optional protocol to the Convention against Torture.

#### *Responses by the delegation*

*The ratification will be submitted to parliament.*

Brazil recommended that the Netherlands ratify the optional protocols to the Convention on the Rights of the Child.

Russia recommended that clear timeframes be set for the ratification process of the optional protocols to the Convention on the Rights of the Child and that a study be undertaken to examine withdrawal of reservations to the convention.

#### *Responses by the delegation*

*The ratification is being considered by the parliament.*

#### **Dutch Antilles and Aruba**

Russia recommended that the Netherlands take its responsibility to fully implement human rights conventions in these territories.

Russia and Algeria recommended that the Netherlands withdraw its reservation to the CESR with respect to the Dutch Antilles and Aruba

The UK and Algeria recommended that the overseas territories be included in reports and the UK would like to share experiences on this.

#### *Responses by the delegation*

*The overseas territories are independently responsible for human rights implementation but they face many challenges. Detention facilities have been improved due to financial aid, establishment of codes of conduct, training etc. The governor of the Antilles keeps the State informed by means of reports. The offer made by the UK to share experience was welcome.*

#### **Prostitution**

Egypt recommended that legalization of prostitution be reconsidered.

#### *Responses by the delegation*

*The ban on prostitution was lifted to end abuses in the sex industry, the law was changed to reflect reality and it enables the government to exercise more control. There are regular*

*controls to pick up signs of trafficking. This has a serious effect on improving working conditions from the point of view of health and safety.*

### **Women**

Slovenia recommended including a gender perspective in the UPR report.

South Africa recommended accelerating efforts to encourage women to achieve top positions.

Iran recommended strengthening the values of the family to tackle domestic violence against women.

*Responses by the delegation*

*The delegation responded that there is a minister for youth and family that is strengthening family values. He issued a program in 2007 stating that families play a crucial role in society.*

### **Religious hatred**

Pakistan recommended that the Netherlands complete the investigation on the documentary Fitna and instigates prosecution of the author for inciting hatred.

Egypt recommended taking measures to tackle incitement to hatred.

*Responses by the delegation*

*The Dutch government firmly opposes the decision of Wilders to show Fitna on the internet; it rejects its message which gives rise to polarization. It is pleased to see the reactions as they are, the position of Muslims in the Netherlands is one that we welcome and encourage.*

### **Migrants/discrimination/Excessive use of police force**

Nigeria recommended that the Netherlands take appropriate measures to forestall application of excessive force by security forces.

Mexico recommended taking the necessary measures to eliminate discrimination against women/refugees.

Canada recommended continuing existing measures against racism.

India recommends continuing a dialogue on diversity.

The Republic of Korea and Algeria recommended that awareness of diversity be promoted at all levels of education.

Bangladesh and Malaysia recommended that the government when promoting freedom of expression also pay attention to the responsibilities and rights of others.

Jordan recommended taking legal measures to deal with intolerance.

Belarus recommended that the Netherlands take part in international human rights activities on the basis of respect and dialogue.

*Responses by the delegation*

*A new action program has been developed, which set up a national hotline and a website as well as an education campaign on racism.*

### **Counter-terrorism**

Switzerland recommended closer monitoring of terrorist suspects in respecting human rights.

### **Encouragements**

Turkey encouraged the Netherlands to set the tone in the debate on integration

Turkey encouraged the Netherlands to consider legal measures to deter expressions such as Fitna.

### **Final remarks by the delegation (3 minutes)**

*The delegation declared that they were happy with the many good recommendations and questions, all of which will be examined and responded to in writing.*

*The State will not wait for the next session to inform the Working Group on its follow up.*

### **States that made solely welcoming statements**

All the States that took the floor asked questions or made recommendations.

### **Human Rights mentioned in the NGOs reports but not raised during the review**

All human rights issues that were mentioned by NGOs in their reports to the UPR of the Netherlands were mentioned during the review session.

### **Human Rights mentioned during the review but on which the Netherlands did not give a response**

*Withdrawal of reservations to the convention on the rights of the child; Drugs and alcohol abuse by adolescents; Mental health services for adolescents; Recommendation on counter-terrorism.*

Generally, the Dutch delegation responded to questions/recommendations on all issues, although it did not always deal with every question/recommendation separately. It did however promise to respond to all questions and recommendations in writing.

### **Speaking times of the State under Review**

- Opening statement: 14 minutes
- Total speaking time of the Netherlands while answering questions: 39 minutes
- Concluding remarks: 3 minutes

*Disclaimer: this summary is by no means exhaustive as it is just an indication of the discussion that took place during the review and should therefore not be quoted as an official document of the UPR process.*