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Examen périodique universel

Rapport du Groupe de travail sur l'Examen périodique universel*

Pays-Bas

Additif

Observations sur les conclusions et/ou recommandations, engagements exprimés et réponses de l'État examiné

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Réponses du Royaume des Pays-Bas¹

98.1²

Les Pays-Bas n'acceptent pas cette recommandation³.

98.2⁴

Voir 98.1.

98.3⁵

En ce qui concerne la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille, voir 98.1. En ce qui concerne la Convention relative aux droits des personnes handicapées, les Pays-Bas acceptent cette recommandation⁶.

98.4⁷

En ce qui concerne la Convention internationale sur la protection des droits de tous les travailleurs migrants et des membres de leur famille, voir 98.1. En ce qui concerne la Convention 189 de l'OIT, le Gouvernement étudie les conséquences possibles de sa ratification pour la législation en vigueur.

98.5⁸

En ce qui concerne la Convention relative aux droits des personnes handicapées, voir 98.3. Les Pays-Bas envisageront d'adhérer au Protocole facultatif se rapportant à la Convention relative aux droits des personnes handicapées après qu'ils auront décidé de ratifier la Convention; la question de la ratification du Protocole est donc prématurée pour l'instant.

98.6⁹

Voir 98.3 et 98.5.

98.7¹⁰

Voir 98.5.

98.8¹¹

Voir 98.5.

98.9¹²

En ce qui concerne la Convention relative aux droits des personnes handicapées et le Protocole facultatif s'y rapportant, voir 98.3 et 98.5. Le Gouvernement néerlandais étudie les conséquences possibles de la ratification du Protocole facultatif se rapportant au Pacte international relatif aux droits économiques, sociaux et culturels, pour la législation en vigueur.

98.10¹³

Voir 98.3 et 98.5.

98.11¹⁴

Voir 98.3.

98.12¹⁵

Les Pays-Bas n'acceptent pas cette recommandation. Les arguments avancés pour formuler ces réserves s'appliquent toujours.

98.13¹⁶

Voir 98.12.

98.14¹⁷

Voir 98.12.

98.15¹⁸

Voir 98.9.

98.16¹⁹

Les Pays-Bas acceptent cette recommandation. La ratification du Protocole est actuellement à l'examen²⁰.

98.17²¹

Les Pays-Bas acceptent cette recommandation²².

98.18²³

La violence dans l'éducation dispensée par les parents est formellement interdite aux Pays-Bas depuis plusieurs années²⁴. À Aruba, les châtements corporels sont interdits par la loi dans les écoles et une loi visant à étendre cette interdiction à la famille devrait voir le jour en 2012. À Curaçao, le Code civil a été modifié: il définit désormais le rôle des parents comme étant celui de responsables et d'éducateurs des enfants, interdisant aux parents de recourir à la violence psychologique ou physique ou à toute autre forme de traitement humiliant dans l'éducation de leurs enfants. La même règle s'applique à Sint Maarten depuis l'adoption, en 2011, de l'ordonnance nationale relative à l'autorité parentale portant amendement du Code civil.

98.19²⁵

Le Gouvernement néerlandais étudie actuellement le droit et la pratique en vigueur au regard de la Convention européenne relative au statut juridique du travailleur migrant.

98.20²⁶

La possibilité juridique de condamner des enfants à l'emprisonnement à vie (dont on n'a jamais fait usage dans la pratique) a été abolie en 2008.

98.21²⁷

Les Pays-Bas acceptent cette recommandation²⁸.

98.22²⁹

Les Pays-Bas acceptent cette recommandation. Voir 98.21.

98.23³⁰

Les Pays-Bas acceptent cette recommandation. Voir 98.21.

98.24³¹

Les Pays-Bas acceptent cette recommandation. Voir 98.21³².

98.25³³

Les Pays-Bas acceptent cette recommandation³⁴.

98.26³⁵

Les Pays-Bas acceptent cette recommandation³⁶.

98.27³⁷

Les Pays-Bas acceptent cette recommandation³⁸.

98.28³⁹

Voir 98.27.

98.29⁴⁰

Voir 98.27.

98.30⁴¹

Voir 98.27.

98.31⁴²

Les Pays-Bas acceptent cette recommandation.

98.32⁴³

Les Pays-Bas acceptent cette recommandation.

98.33⁴⁴

Les Pays-Bas n'acceptent pas cette recommandation. Ils ont opté pour une mise en œuvre pragmatique du Programme mondial pour l'éducation dans le domaine des droits de l'homme, qui prend appui sur la situation actuelle moyennant une approche ascendante qui porte attention aux droits de l'homme tout en respectant la liberté d'éducation. Dans la pratique, le Programme mondial est mis en œuvre.

98.34⁴⁵

Le Royaume des Pays-Bas, composé de quatre pays, est partie aux six principaux instruments internationaux relatifs aux droits de l'homme. Les constitutions et la législation nationale de chacun des pays reprennent la majorité des dispositions de ces traités, sinon toutes.

98.35⁴⁶

Les Pays-Bas acceptent cette recommandation.

98.36⁴⁷

La recommandation est conforme à la politique en vigueur. Les Pays-Bas établissent des statistiques détaillées sur les crimes et délits à caractère discriminatoire⁴⁸.

98.37⁴⁹

Les Pays-Bas ont d'ores et déjà adressé une invitation permanente à tous les Rapporteurs spéciaux.

98.38⁵⁰

Chacun aux Pays-Bas est protégé de la discrimination par la loi. Il est possible de saisir la justice en cas d'infraction. En outre, il existe des politiques actives de prévention de la discrimination⁵¹.

98.39⁵²

Les Pays-Bas acceptent cette recommandation. Voir 98.38.

98.40⁵³

Les Pays-Bas acceptent cette recommandation. Voir 98.38.

98.41⁵⁴

Voir 98.38.

98.42⁵⁵

En ce qui concerne la surveillance du racisme, voir 98.36 et le rapport national, VII.A. En ce qui concerne les enquêtes sur les faits d'incitation à la haine, à l'intolérance, au racisme et à la xénophobie ainsi que les poursuites pour de tels faits et la sanction des responsables, voir 98.38 et rapport national, VII.A.

98.43⁵⁶

Toute discrimination est interdite par la loi aux Pays-Bas. Il n'existe aucune loi discriminatoire. Voir rapport national, VII.A.

98.44⁵⁷

Les Pays-Bas acceptent cette recommandation⁵⁸.

98.45⁵⁹

Les Pays-Bas acceptent la recommandation les invitant à lutter contre la discrimination sur Internet. La lutte contre l'incitation à la haine sur Internet s'inscrit dans la politique de lutte contre la discrimination et le racisme. Voir 98.38⁶⁰. En ce qui concerne les propos racistes tenus par les partis politiques, voir rapport national, VII.A.50 et XIII.120.

98.46⁶¹

Les Pays-Bas acceptent cette recommandation⁶².

98.47⁶³

Voir 98.38 et rapport national, VII.A.

98.48⁶⁴

Voir 98.38 et rapport national, VII.A.

98.49⁶⁵

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, VII.A.

98.50⁶⁶

Voir 98.38 et rapport national, VII.A.

98.51⁶⁷

Voir 98.38 et rapport national, VII.A.42.

98.52⁶⁸

Les Pays-Bas n'acceptent pas cette recommandation. M. Wilders a été poursuivi devant le tribunal de district d'Amsterdam pour incitation à la haine et insultes à l'égard d'un groupe. Après un examen minutieux des charges, le tribunal de district l'a acquitté (jugement du tribunal de district d'Amsterdam du 23 juin 2011). Le tribunal a conclu qu'en tant que responsable politique et parlementaire, M. Wilders devrait bénéficier d'une certaine liberté pour exprimer ses opinions. Ni le procureur ni M. Wilders n'ont décidé de faire appel de ce jugement. L'action pénale est donc close. En outre, le Procureur général près la Cour suprême néerlandaise a conclu qu'aucun fondement juridique ne permettait de former un recours extraordinaire

auprès de la Cour suprême (lequel n'aurait d'ailleurs aucun effet quant au fond de l'affaire).

98.53⁶⁹

Voir 98.38 et rapport national, VII.A.

98.54⁷⁰

Voir 98.36 et rapport national, VII.A.

98.55⁷¹

Les Pays-Bas acceptent cette recommandation. Voir 98.38.

98.56⁷²

Les Pays-Bas acceptent cette recommandation⁷³.

98.57⁷⁴

Le Gouvernement néerlandais rejette par principe l'utilisation du profilage ethnique aux fins d'enquêtes criminelles⁷⁵.

98.58⁷⁶

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, VII.A.42.

98.59⁷⁷

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, VII.A.42.

98.60⁷⁸

Voir 98.38.

98.61⁷⁹

Voir 98.38 et 98.45.

98.62⁸⁰

Voir 98.38 et rapport national, VII.C et VIII⁸¹.

98.63⁸²

Voir 98.45 et rapport national, VII.A.50⁸³.

98.64⁸⁴

Les Pays-Bas veillent à satisfaire les besoins de chacun, quelles que soient son origine, sa religion et ses convictions grâce aux services assurés régulièrement dans les domaines de l'éducation, de l'emploi et des soins de santé. Pour pouvoir faire valoir effectivement leurs droits, les migrants doivent investir dans leur avenir et bien maîtriser le néerlandais. Voir 98.38 et rapport national, VII.C.

98.65⁸⁵

Les Pays-Bas acceptent cette recommandation. Voir 98.38.

98.66⁸⁶

Les partis politiques doivent respecter la loi qui fait des propos racistes une infraction pénale. Il n'existe aux Pays-Bas aucun texte qui permettrait d'exercer à

titre préventif ou de précaution une surveillance sur les partis politiques, leurs idées ou l'expression publique de leurs opinions. Voir 98.45 et 98.63.

98.67⁸⁷

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, VII.

98.68⁸⁸

Les Pays-Bas acceptent cette recommandation. La loi relative aux services de lutte contre la discrimination au niveau des municipalités fait l'objet d'une évaluation.

98.69⁸⁹

Voir 98.38 et rapport national, VII.A.42.

98.70⁹⁰

Les Pays-Bas acceptent cette recommandation. Voir 98.38, 98.45 et rapport national, VII.A.

98.71⁹¹

Les Pays-Bas contribuent activement à mettre en œuvre les recommandations de la Rapporteuse spéciale sur la violence contre les femmes⁹².

98.72⁹³

En ce qui concerne la violence contre les femmes, voir 98.71. Le nombre de personnes qui risquent de connaître la pauvreté et l'exclusion sociale est faible aux Pays-Bas. Le Gouvernement entend utiliser les mesures et instruments existants pour favoriser l'insertion sociale en réduisant le nombre de ménages sans emploi.

98.73⁹⁴

Les conditions carcérales sont satisfaisantes. Les Pays-Bas n'ont pas de problème de surpopulation carcérale. Les détenus peuvent déposer plainte pour mauvais traitement présumé devant la commission de surveillance indépendante instituée auprès de leur centre de détention. En vertu de la loi relative aux établissements pénitentiaires, les détenus ont le droit de prendre part au travail qui leur est offert⁹⁵. Les directeurs de prison ont entre autres tâches de veiller à ce que les détenus puissent travailler. Les détenus condamnés doivent prendre part au travail qui, pour le Gouvernement néerlandais, s'inscrit dans la vie normale des détenus et donne des gages de réussite à leur réinsertion sociale. La loi relative aux conditions de travail de 1998 et le décret connexe, qui énoncent les règles régissant les conditions dans tous les lieux de travail des Pays-Bas, sont applicables au travail en prison. Le décret relatif aux conditions de travail prévoit d'ailleurs des dispositions spéciales pour les établissements pénitentiaires. Les détenus sont autorisés à refuser de travailler en faisant valoir de mauvaises conditions de travail.

98.74⁹⁶

Les Pays-Bas acceptent cette recommandation⁹⁷.

98.75⁹⁸

Voir 98.18.

98.76⁹⁹

Les Pays-Bas acceptent cette recommandation.

98.77¹⁰⁰

Les Pays-Bas sont dotés d'une législation tout à fait à jour sur la lutte contre la maltraitance sexuelle des enfants¹⁰¹. De plus, il est possible de poursuivre aux Pays-Bas des faits de pédophilie commis à l'étranger. En 2012, le nombre de personnes chargées d'enquêter sur la pornographie mettant en scène des enfants passera de 75 à 150. Une unité nationale d'une quarantaine de détectives, qui s'ajoute à 10 unités régionales, est entrée en fonctions. Un procureur spécialisé assure la direction générale de ces enquêtes et poursuites. Actuellement, entre 380 et 480 cas de pornographie mettant en scène des enfants font l'objet de poursuites chaque année; l'objectif est de poursuivre environ 25 % de cas supplémentaires au cours des prochaines années. De nouvelles mesures visant à lutter contre la pornographie mettant en scène des enfants et à prévenir la maltraitance sexuelle des enfants seront prises dans le cadre du plan d'action 2012-2016 contre la maltraitance des enfants¹⁰².

98.78¹⁰³

Diverses mesures sont actuellement prises afin de permettre aux fonctionnaires, travailleurs sociaux et autres acteurs clés de repérer d'éventuels signes d'exploitation sexuelle des enfants et une formation est offerte sur les moyens de lutter effectivement contre ce phénomène. Les enfants victimes d'exploitation sexuelle sont traités avec le plus grand soin. Leurs déclarations sont recueillies dans un environnement respectueux des enfants par des détectives spécialement formés à cet effet. Les agents des forces de l'ordre doivent également avoir des qualifications spéciales pour pouvoir recueillir les déclarations des victimes de traite d'êtres humains. Les lignes directrices du ministère public sur la traite des êtres humains disposent en outre que le procureur public peut s'opposer à ce qu'une victime mineure soit soumise à un interrogatoire au tribunal.

98.79¹⁰⁴

Les Pays-Bas n'acceptent pas cette recommandation. Voir 98.71 et rapport national, IX.

98.80¹⁰⁵

Les Pays-Bas acceptent cette recommandation. La lutte contre la traite des êtres humains est la plus haute priorité¹⁰⁶.

98.81¹⁰⁷

Le Gouvernement néerlandais fait tout son possible pour lutter contre la traite des êtres humains, en particulier des mineurs. Voir 98.80 et rapport national, X.101, 102 et 103.

98.82¹⁰⁸

Les Pays-Bas acceptent cette recommandation¹⁰⁹.

98.83¹¹⁰

Les Pays-Bas acceptent cette recommandation¹¹¹.

98.84¹¹²

Les Pays-Bas acceptent cette recommandation. Il existe des solutions de remplacement à la détention des mineurs, telles que l'assignation à résidence¹¹³.

98.85¹¹⁴

Le projet de loi relatif à l'augmentation des frais de justice a été retiré.

98.86¹¹⁵

Le droit néerlandais est conforme aux normes relatives aux droits de l'homme. Lorsque de nouvelles lois sont adoptées, elles répondent à ces normes. Voir également, par exemple, 98.45 et rapport national, XIII.120.

98.87¹¹⁶

Voir 98.45.

98.88¹¹⁷

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, XIII.

98.89¹¹⁸

Les Pays-Bas acceptent cette recommandation¹¹⁹.

98.90¹²⁰

Voir 98.38 et rapport national, VII.

98.91¹²¹

Les Pays-Bas ont adopté des dispositions juridiques exigeant des employeurs qu'ils prennent des mesures pour protéger leurs salariés. Ils n'estiment pas nécessaire de prendre des mesures supplémentaires.

98.92¹²²

Les Pays-Bas acceptent cette recommandation¹²³.

98.93¹²⁴

Le petit écart de rémunération entre les hommes et les femmes ne s'explique pas complètement. La principale raison de cet écart tient à ce que les femmes occupent essentiellement des emplois à temps partiel et une situation différente sur le marché du travail. Dans les jeunes générations (de 23 à 35 ans), l'écart est pour ainsi dire inexistant. Il devrait disparaître au cours des prochaines années.

98.94¹²⁵

Voir 98.93. Afin de faire évoluer la situation des femmes sur le marché du travail, un changement culturel s'impose. De 2008 à 2010, l'équipe spéciale Temps partiel Plus a engagé un débat sur la manière dont les femmes peuvent travailler davantage. Elle a formulé des recommandations en vue d'accroître les heures de travail dans les emplois à temps partiel. Salariés et employeurs doivent examiner les moyens de mieux coordonner vie professionnelle et vie privée.

98.95¹²⁶

Voir 98.93, 98.94 et rapport national, VII.C.

98.96¹²⁷

Cette recommandation est conforme aux politiques en vigueur¹²⁸.

98.97¹²⁹

Cette recommandation est conforme aux politiques en vigueur¹³⁰.

98.98¹³¹

Cette recommandation a été appliquée¹³².

98.99¹³³

Cette recommandation a été appliquée. La scolarité est obligatoire pour tout enfant d'âge scolaire, quel que soit son statut juridique. Voir 98.98¹³⁴.

98.100¹³⁵

Voir rapport national, VII.C et VIII.

98.101¹³⁶

Les Pays-Bas n'acceptent pas cette recommandation. Ils accordent la priorité à l'éducation en néerlandais. Voir rapport national, VIII.

98.102¹³⁷

Les Pays-Bas acceptent cette recommandation. Voir 98.3.

98.103¹³⁸

Les Pays-Bas acceptent cette recommandation. Voir 98.38 et rapport national, VII.

98.104¹³⁹

Les Pays-Bas acceptent cette recommandation¹⁴⁰.

98.105¹⁴¹

Le service de l'immigration et de la naturalisation évalue les demandes d'asile des étrangers. La procédure suivie est conforme aux normes internationales. Le requérant peut contester le rejet de sa demande et former un recours devant les tribunaux.

98.106¹⁴²

Les Pays-Bas n'acceptent pas cette recommandation. Ils ont pour politique d'autoriser la détention des demandeurs d'asile déboutés et des étrangers en situation irrégulière pour des raisons d'ordre public ou de sécurité nationale en attendant que soient prises des dispositions pour leur rapatriement. Des personnes à qui l'entrée sur le territoire est refusée peuvent être, elles aussi, placées en détention. Mais la détention ne peut être utilisée qu'en dernier recours et ne peut durer plus longtemps que le temps strictement nécessaire pour organiser leur rapatriement. Les étrangers en situation irrégulière ne peuvent pas demeurer en détention plus de six mois, voire, dans des cas exceptionnels, plus de dix-huit mois, conformément à la Directive de l'UE sur le retour¹⁴³.

98.107¹⁴⁴

Voir 98.104.

98.108¹⁴⁵

Les Pays-Bas acceptent cette recommandation. Depuis janvier 2012, la politique en vigueur prévoit d'autres solutions que le placement des étrangers en détention¹⁴⁶.

98.109¹⁴⁷

Voir 98.100.

98.110¹⁴⁸

Voir 98.100.

98.111¹⁴⁹

Voir 98.38.

98.112¹⁵⁰

Le séjour irrégulier aux Pays-Bas ne constitue pas une infraction pénale. Toutefois, les résidents illégaux doivent quitter le pays. S'ils ne le font pas de leur plein gré, ils sont placés en détention en dernier recours. La politique en vigueur prévoit d'ores et déjà d'autres solutions. Voir 98.108.

98.113¹⁵¹

Voir 98.108 et 98.112. Il existe des politiques spéciales visant à éviter le placement en détention de familles avec des enfants mineurs. Si une famille doit être surveillée pendant un certain temps, en attendant d'être rapatriée, elle peut être placée dans un centre où sa liberté de circulation est restreinte.

98.114¹⁵²

Les Pays-Bas acceptent cette recommandation¹⁵³.

98.115¹⁵⁴

De nouveaux plans ont été élaborés et présentés dernièrement au Parlement pour améliorer et accélérer la procédure d'asile: les demandeurs d'asile doivent obtenir des informations claires dès l'ouverture de la procédure. Des plans similaires sont élaborés pour les mineurs vulnérables afin de leur offrir au plus tôt des perspectives d'avenir claires. Lorsque l'asile n'est pas accordé à un enfant, la plus grande priorité est de réunir celui-ci avec sa famille dans son pays d'origine. La coopération européenne est considérée comme essentielle à cet égard.

98.116¹⁵⁵

Les Pays-Bas n'acceptent pas cette recommandation. La société civile a un droit de regard sur la procédure d'asile et les centres d'accueil. Au cours de la procédure d'asile, le Conseil néerlandais des réfugiés a pour mission d'informer les demandeurs d'asile de la procédure suivie. Il peut également déléguer des représentants aux entretiens, si les demandeurs d'asile l'y autorisent. Il est présent dans les centres d'accueil pour aider les demandeurs d'asile et leur donner des conseils sur toute question ou problème qui peut se poser. D'autres ONG (notamment celles qui s'occupent principalement des demandeurs d'asile mineurs) visitent régulièrement les centres d'accueil.

98.117¹⁵⁶

La politique et la pratique néerlandaises relatives aux étrangers tiennent compte de la vulnérabilité des mineurs, en particulier des mineurs non accompagnés, ainsi que de l'intérêt supérieur de l'enfant. Des mesures spécifiques sont prises dans l'intérêt de l'enfant. Par exemple, des agents spécialement formés interrogent les enfants; les entretiens avec les jeunes enfants sont menés dans des locaux spécialement accueillants pour les enfants et les enfants soldats comme les victimes de mutilations sexuelles féminines font l'objet d'une politique d'asile spécifique. Les autorités font toujours tout leur possible pour prendre les décisions rapidement et éviter de provoquer des retards prolongés et une incertitude qui seraient contre-indiqués. Voir 98.115.

98.118¹⁵⁷

Les Pays-Bas n'acceptent pas cette recommandation. Voir rapport national, XI.

98.119¹⁵⁸

Les Pays-Bas n'acceptent pas cette recommandation. Il est notoire que les Pays-Bas ne sont pas en faveur d'un instrument international juridiquement contraignant sur le

droit au développement. La responsabilité d'instaurer un environnement porteur ne saurait s'exprimer en termes d'obligations juridiquement contraignantes. En outre, un instrument juridiquement contraignant n'est pas le moyen approprié pour permettre à un engagement politique en faveur du droit au développement de se concrétiser. Les Pays-Bas apprécient au plus haut point les travaux réalisés par l'équipe spéciale de haut niveau. Ils estiment qu'il s'agit d'une base utile pour des travaux complémentaires sur la mise en pratique du droit au développement.

Notes

- ¹ All responses to the recommendations are made by the Netherlands, with the exception of the recommendations 98.12, 98.17, 98.18, 98.26, 98.27, 98.32, 98.34 and 98.96 which have been responded to by the Kingdom of the Netherlands (The Netherlands, Aruba, Curaçao and Sint Maarten).
- ² Ratify the International Convention on the Rights of Migrant Workers (ICRMW) (Algeria, Egypt, Islamic Republic of Iran).
- ³ See for more information the national report under 6.
- ⁴ Consider ratifying the ICRMW (Mexico).
- ⁵ Study the possibility of ratifying the ICRMW and continue with its efforts to achieve the ratification of the Convention on the Rights of People with a Disability (CRPD) (Argentina).
- ⁶ A decision on ratifying the CRPD, which has already been signed by the Kingdom of the Netherlands, is currently in preparation. Given the broad scope of the instrument and its potential impact on many pieces of legislation, this requires major involvement by multiple government ministries and hence is taking considerable time. A decision on ratification is not expected before the upcoming parliamentary elections on 12 September 2012.
- ⁷ Consider ratifying the ICRMW as well as the International Labour Organization (ILO) Convention 189 (Belarus).
- ⁸ Proceed swiftly with the ratification of the CRPD and its Optional Protocol (Estonia).
- ⁹ Ratify the CRPD and its Optional Protocol (France, Australia).
- ¹⁰ Consider ratifying the OP-CRPD (Morocco).
- ¹¹ Ratify the OP-CRPD (Islamic Republic of Iran).
- ¹² Ratify the CRPD and its Optional Protocol, as well as the Optional Protocol to the Convention of Economic, Social and Cultural Rights (OP-CESCR) (Spain).
- ¹³ Adopt the necessary measures with a view to ratifying the CRPD and its Optional Protocol (Chile).
- ¹⁴ Study the possibility of ratifying the CRPD (Costa Rica).
- ¹⁵ Withdraw its reservations to the Convention on the Rights of Children (CRC) (Islamic Republic of Iran).
- ¹⁶ Reconsider the possibility of lifting reservations to the CRC (Russian Federation).
- ¹⁷ Lift its reservations to articles 26 c, 37 and 40 of the CRC (Uzbekistan).
- ¹⁸ Ratify the OP-ICESCR (Slovakia).
- ¹⁹ Consider an early ratification of the third Optional Protocol to the CRC on a communication procedure Slovakia).
- ²⁰ Decisions to sign and/or ratify are not expected before the upcoming parliamentary elections on 12 September 2012.
- ²¹ Approve, in all countries that form the Kingdom, legislation that criminalizes all forms of trafficking in persons (Nicaragua).
- ²² All forms of human trafficking are criminal offences in the European part of the Netherlands (article 273f of the Criminal Code) as well as in the Caribbean part of the Netherlands (the islands of Bonaire, St Eustatius and Saba) (article 286f of the Criminal Code for Bonaire, St Eustatius and Saba). In Aruba, all forms of human trafficking are criminal offences (article 286a of the Aruban Penal Code). In Curaçao, the new Criminal Code also criminalises trafficking in persons as a separate offence. In Sint Maarten, human trafficking is prohibited and extensively penalized in the new criminal code.
- ²³ Prohibit corporal punishment in all settings throughout the Kingdom of the Netherlands (Slovenia).
- ²⁴ See article 1:247, paragraphs 1 and 2 of the Dutch Civil Code and articles 300-304 of the Criminal Code.

- 25 Undertake necessary steps in order to harmonize the Dutch law and practice with the European Convention on the Legal Status of Migrant Workers (Turkey).
- 26 Abolish in its criminal legislation the use of life imprisonment to children (Belarus).
- 27 Ensure effectiveness, proper functioning and independence of its national human rights institution (Egypt).
- 28 The institute will open its doors in October 2012. See for more information the national report under 4.
- 29 Accelerate the full operationalization of the National Institute for Human Rights in the near future (Indonesia).
- 30 Expedite the establishment and operationalization of the national Institute for Human Rights which fully complies with the Paris Principles (Malaysia).
- 31 Make full use in practice of the new Institute for Human Rights to promote a coherent approach to human rights issues across the spectrum of different policy areas and human rights situations (Norway).
- 32 See the national report under IV.
- 33 Work with all sectors including the education sector, to ensure the National Human Rights Institute effectively supports the country's commitment to human rights (Australia).
- 34 See the national report under IV.
- 35 Continue to assist, when requested, Aruba, Curaçao and St. Maarten to develop human rights institutions, laws and policies (Australia).
- 36 As democratic states governed by the rule of law, the countries of the Kingdom attach great importance to internationally recognised fundamental rights. The countries Aruba, Curaçao and St Maarten are however responsible for establishing their own human rights institutes. This does not preclude technical or other assistance upon request from the Netherlands if and when necessary. Aruba seeks to create a similar institution on the island to guarantee information and education on, and protection of, human rights in the Aruban community, in cooperation with Curaçao and the Netherlands.
- 37 Formulate a national human rights action plan (Philippines).
- 38 The Netherlands will evaluate the usefulness and added value of developing a national human rights action plan as part of establishing a working relationship with the Dutch National Institute on Human Rights. The government of Curaçao also supports this recommendation. It has for instance decided to establish a national human rights institute in accordance with the Paris Principles, which can be seen as an important step in this direction. The government of Aruba also supports this recommendation. A national human rights action plan will be developed by the Aruban Human Rights Committee.
- 39 Develop a national human rights action plan (Uzbekistan).
- 40 Evaluate the possibility to develop a national human rights action plan (Argentina).
- 41 Draft a national human rights plan which includes public policies and strategies reaching a comprehensive range of human rights (Brazil).
- 42 Keep the Human Rights Council informed about the follow-up to the "Talent to the Top" charter and inform it of the results obtained by signatories (Morocco).
- 43 Continue efforts aimed at promoting and protecting human rights on the ground (Qatar).
- 44 Adopt a national Action Plan on Human Rights Education (Slovenia).
- 45 Apply homogenous human rights standards in the different territories that form the Kingdom of the Netherlands, especially in the Antilles as recommended by CESCR in 2010 (Spain).
- 46 Strengthen its policies and measures for guaranteeing all socio-economic and cultural rights, and ensure those policies not to impede the full enjoyment these rights in the context of global and regional financial crisis (Vietnam).
- 47 Develop a system of recording official statistical data on the most widespread crimes and offences committed on the basis of discrimination taking into account the legal obligations of the Netherlands in registering such crimes (Uzbekistan).
- 48 Over the next year, all statistics on discrimination and racist offences will be recorded and presented in a uniform manner, in order to improve the assessment of trends and the results of government policy. See National Report VII. A. 43.
- 49 Confirm in deed the status of standing invitation to the Special Procedures, in particular by inviting the Special Rapporteurs on the rights of migrant workers, on trafficking in persons, particularly women and children, as well as on the sale of children (Belarus).

- ⁵⁰ Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, particularly women and children belonging to ethnic and religious minorities, including Muslims who still face multiple forms of discrimination with respect to education, health, employment and social and political participation (Islamic republic of Iran).
- ⁵¹ See National Report VII. A. and B. In addition see the National Report under VII. The Netherlands does not develop specific policies targeting specific types of discrimination. The Dutch infrastructure to combat discrimination, including bodies like the antidiscrimination services and the Equal Treatment Commission, is accessible to everyone and equipped to deal with discrimination on any grounds.
- ⁵² Ensure that existing statutes prohibiting gender discrimination are properly implemented and enforced, and increase through effective implementation and enforcement efforts to address violence against women and children (United States of America).
- ⁵³ Devise more specific measures to eliminate discrimination against women, ethnic minorities, migrants, Muslim and people of African origin (Thailand).
- ⁵⁴ Strengthen its actions against on all forms of discrimination and effectively protect the rights of women, children and immigrants (China).
- ⁵⁵ Establish mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia (Egypt).
- ⁵⁶ Review, amend and repeal its national discriminatory laws and regulations against persons of certain religious backgrounds, in particular Muslim migrants (Egypt).
- ⁵⁷ Take further measures to combat discrimination in the labour market and combat in particular discrimination based on ethnic origin and discrimination targeting transgender people (France).
- ⁵⁸ Employers must provide a good working environment. The Working Conditions Act requires employers to prevent and fight discrimination and harassment among their employees. The Social Affairs and Employment Inspectorate monitors the employers' compliance. Racial discrimination in the labour market, like gender discrimination, is a criminal offence. The Minister of Security and Justice is working to step up antidiscrimination policy to reduce discrimination in general, including discrimination in the labour market. See National Report, VII.C.
- ⁵⁹ Intensify efforts to combat the dissemination of ideas based on the racial superiority through Internet, as well as other media including racist speech by political parties (Poland).
- ⁶⁰ The Dutch government subsidises an Internet Discrimination Hotline, established to receive reports of manifestations of discrimination or racism on the internet. The hotline's main tasks are responding to notifications of discrimination on the internet, removing discriminatory material and contributing to criminal law enforcement. Police services specialised in cybercrime are also involved in investigating reports of discrimination or racism on the internet. The Public Prosecution Service has a special national service dedicated to prosecuting discrimination and racism, the National Discrimination Expertise Centre (*Landelijk Expertise Centrum Discriminatie*, LECD).
- ⁶¹ Continue to engage in a national dialogue with a view to promoting respect for diversity and tolerance in line with its obligation under the ICCPR (India).
- ⁶² A dialogue on diversity and tolerance is imperative in a democratic and pluralist society. A vital dialogue with religious and ethnic groups exists in Dutch society. The diverse and heterogeneous nature of society requires a dialogue with many different kinds of people from different ethnic and socioeconomic backgrounds. For that reason the existing official consultation process, in which eight ethnic minority organisations were regularly consulted, will be replaced by a more flexible dialogue.
- ⁶³ Take all necessary measures to prevent and eliminate all manifestations of racism, Islamophobia, xenophobia, and religious intolerance (Islamic Republic of Iran).
- ⁶⁴ Take more serious measures to prevent and suppress manifestation of racism, xenophobia and intolerance against minority groups in the country, in particular the Muslims (Malaysia).
- ⁶⁵ Design a comprehensive policy to address discrimination of national minorities in all areas (Mexico).
- ⁶⁶ Adopt all the measures necessary to combat discrimination in all its forms, including racism and xenophobia (Nicaragua).
- ⁶⁷ Develop a national action plan to combat discrimination in consultation with civil society (Norway).
- ⁶⁸ Appeal the verdict made by the Amsterdam District Court in the case of Geert Wilders on the charges of incitement to hatred and discrimination (Pakistan).
- ⁶⁹ Strengthen legal and institutional measures to prevent and suppress manifestations of racism, xenophobia and intolerance (Pakistan).

- ⁷⁰ Ensure adequate registration of discriminatory motives by raising awareness among the legal profession and law enforcement officials of the need to recognize aggravated circumstances specific to hate crimes and discrimination at all levels of prosecution and criminal procedures (Hungary).
- ⁷¹ Make further efforts to combat racial discrimination and xenophobia, and to promote racial and religious harmony (Qatar).
- ⁷² Continue to take measures and actions in line with the fight against discrimination including through guidelines for website moderators to keep their websites free from discriminatory content that constitutes a criminal offence (Romania).
- ⁷³ A digital guideline is currently being drafted to help website moderators keep their websites free from discriminatory content that would constitute a criminal offence. See 98.45 and the National Report VII.A.44.
- ⁷⁴ Adopt measures to stamp out discrimination arising as a result of the practice of racist, ethnic, or religious profiling (Russian Federation).
- ⁷⁵ In its recent proposal for a General Data Protection Regulation, the European Commission included rules on profiling that address problems that may arise due to the increasing technical possibilities for in-depth searches of databases containing personal data. The Netherlands endorses the need for clear legislative rules on this subject, given the specific challenges for privacy protection that this technology entails.
- ⁷⁶ Approve a plan of action to fight discrimination, and against any initiatives of political associations or groups that promote racism or xenophobia (Spain).
- ⁷⁷ Identify through its domestic discussion effective ways and means to prevent and suppress manifestation of racism, xenophobia and intolerance (Thailand).
- ⁷⁸ Follow up on the CESCR recommendation to combat racism and xenophobia and to enforce effectively the legal prohibitions against discrimination in the enjoyment of economic, social and cultural rights (Turkey).
- ⁷⁹ Strengthen policies and measures to prevent and eliminate the manifestations of racism, xenophobia and intolerance in society, in particular during the national and local electoral campaigns (Uruguay).
- ⁸⁰ Take appropriate measures in combating discrimination and marginalization against vulnerable groups, particularly migrants, minorities, women, children and persons with disabilities (Vietnam).
- ⁸¹ Furthermore, the Netherlands' integration measures are aimed at stimulating participation in public life and strengthening social cohesion. These measures are in line with broader policy to promote active citizenship. Participation is essential for successful individual lives and to prevent marginalisation. The Dutch government contributes to this process by helping to shape a society in which anyone who settles here can make a life for themselves through active participation.
- ⁸² Take more efficient measures to prevent and eliminate manifestations of racism, xenophobia and intolerance in political speech (Algeria).
- ⁸³ The Netherlands finds it difficult to accept this recommendation. The Kingdom of the Netherlands notes in this regard that the terms 'racism' or xenophobia' imply the commission of a criminal offence. Such a conclusion can only be drawn post facto by a court of law. To date, no court has drawn this conclusion. Freedom of expression, a key principle of democracy, excludes the possibility of preventive censorship.
- ⁸⁴ Intensify its efforts to eliminate discrimination against migrants and other minority women, who still face multiple forms of discrimination with respect to education, health, employment and social and political participation (Azerbaijan).
- ⁸⁵ Intensify its efforts to eliminate discrimination against migrant, black, Muslim and other minority women, who still face multiple forms of discrimination (Bangladesh).
- ⁸⁶ Intensify its efforts to combat the dissemination of ideas based on racial superiority including racist speech by political parties through the Internet as well as other media (Bangladesh).
- ⁸⁷ Take measures to address concerns of racial discrimination in the application of its national policies (Botswana).
- ⁸⁸ Ensure effective national oversight and evaluation of municipal programmes that have been developed to protect the rights enshrined in Article 1 of the Dutch Constitution concerning prohibited grounds for discrimination, in particular ensure that these programmes utilize a broad systematic approach taking into consideration current fiscal realities (Canada).
- ⁸⁹ Develop a national plan against racism (Costa Rica).
- ⁹⁰ Adopt effective measures to combat racism, racial discrimination and incitement to racial hatred, and in particular, to prohibit the dissemination of racist and xenophobic propaganda (Cuba).

- ⁹¹ Fully implement the measures regarding violence against women as outlined in its UPR interim report and consider implementing the recommendations of the Special Rapporteur on violence against women and Committee on the Elimination of Discrimination Against Women (CEDAW) (India).
- ⁹² We refer to the recently submitted response of the Kingdom of the Netherlands to CEDAW on the steps taken to implement the recommendations contained in paragraphs 27 and 29.
- ⁹³ Adopt effective measures to combat violence against women and to fight poverty (Cuba).
- ⁹⁴ Adopt effective measures to improve conditions in prisons, reduce overcrowding and eliminate ill-treatment and forced labour of persons deprived of liberty (Cuba).
- ⁹⁵ Section 47.
- ⁹⁶ Ensure that in its application of preventive body searches, all relevant human rights are adequately protected, in particular the right to privacy and physical integrity and the prohibition of discrimination on the basis of race and religion (Greece).
- ⁹⁷ The power to stop and search is strictly regulated in the Netherlands. The mayor of a municipality may designate an area where, for a limited period of time, preventive searches may be carried out in response to a disturbance of or grave threats to public order due to the presence of weapons. The public prosecutor then has discretion to order actual body searches and searches of vehicles and luggage for weapons.
- ⁹⁸ Build on this success (achieving a total prohibition of corporal punishment of children in all settings in the European part of the Dutch territory) and ensure that this prohibition is also duly implemented in Aruba and the Netherland Antilles by enacting the necessary legislation in this regard (Hungary).
- ⁹⁹ Report on the implementation of the 2012-2016 Action Plan against Child Abuse, including sexual violence and child pornography, during the next interim UPR report (Hungary).
- ¹⁰⁰ Intensify efforts to prevent and combat cases of exploitation of children related to sexual tourism, including through legal measures that effectively protect child victims of sexual exploitation and prostitution, and to bring the perpetrators of these aberrant practices to justice (Uruguay).
- ¹⁰¹ For example, virtual child pornography, obtaining access to child pornography (including but not limited to downloading it) and corrupting and 'grooming' children are all criminal offences.
- ¹⁰² For more information see the national report under 10.
- ¹⁰³ Strengthen training of public order officials, social workers and prosecutors on the way to investigate and verify the complaints of sexual exploitation of children, and prosecute the authors of these offenses, taking into account child sensitivity (Uruguay).
- ¹⁰⁴ Adopt practical measures to ensure absolute prohibition of violence against women and cruel treatment of children (Uzbekistan).
- ¹⁰⁵ Carry out actions to improve the current strategy to combat trafficking in human beings, taking into account, among other, intensifying investigations, training professional staff and creating assistance centres (Mexico).
- ¹⁰⁶ See the National Report X.
- ¹⁰⁷ Adopt immediate measures, including reviewing legislation and developing comprehensive strategies to eradicate trafficking in children, sexual exploitation and involvement of adolescents in prostitution (Belarus).
- ¹⁰⁸ Continue strengthening the functions of the competent institutions and use of adequate mechanisms to more efficiently combat domestic violence, which mainly affects women and children (Chile).
- ¹⁰⁹ A national policy was adopted in 2002 on combating domestic violence. In 2011 a policy evaluation was published, showing that a great deal has been achieved. The government continues to address the problem with a government-wide approach to tackling all forms of domestic violence (including partner violence and child abuse). In July 2012 the government drew up an overview of all the activities carried out as part of the government-wide approach to the domestic sphere. See the National Report under IX.
- ¹¹⁰ Intensify its efforts, at national level and vis-à-vis the different ad-hoc international bodies, to reinforce measures aimed at fighting the use of children in sexual tourism and child pornography (Chile).
- ¹¹¹ The Dutch government is strongly committed to combating child sex tourism and child pornography. Child sex tourism can only be banned by means of a comprehensive approach, including international action in close cooperation with destination countries, NGOs and travel agencies. The Netherlands has effective legislation in place to combat child sex tourism (tourists' abuse of children during the tourists' holidays in foreign countries). The legislation provides for broad extraterritorial jurisdiction, without requiring that acts be criminal offences in both countries. New legal measures to prevent

- child sex tourism include an additional provision (effective from 1 April 2012) prohibiting convicted criminals from travelling to destination countries. See the National Report under X, 101, 102 and 103.
- ¹¹² Seek alternative solutions to deprivation of liberty for minors in particular in order to avoid pre-trial detention of minors, while awaiting judgement (France).
- ¹¹³ Courts are always obliged to check whether young offenders are eligible for suspension of pre-trial detention, and if not, to explain why there are not adequate conditions for surveillance. Furthermore, first offenders can be sent to a HALT Bureau, where they can make amends in lieu of prosecution. Finally, in special cases the public prosecutor can order pre-trial detention in a young offenders' institution rather than in a police cell. This reduces a young person's time in police custody. A 16- or 17-year-old young offender can be kept at a police station for no more than 10 days, and a 12-to-15-year-old for no more than 3 days.
- ¹¹⁴ Consider additional steps to ensure that any potential changes in court fees are proportionate and affordable, and that they do not prejudice access to the legal system (United Kingdom of the Great Britain and Northern Ireland).
- ¹¹⁵ Enact laws and legislation on freedom of expression in line with both articles 19 and 20 of the International Convention on Civil and Political Rights (ICCPR) (Egypt).
- ¹¹⁶ Step up its efforts to comprehensively address this trend (the trend that political and public figures including media made discriminatory and discriminatory speech against Muslims), not only from the freedom of expression perspective but also from socio-cultural point of view (Indonesia).
- ¹¹⁷ Ensure that the freedom of expression, press freedom and internet freedom will not result in racism, intolerance and hatred against minority groups (Malaysia).
- ¹¹⁸ Promote more equal representation of men and women in top positions (Norway).
- ¹¹⁹ Additional information will be reported in our UPR (interim) report. See also the National Report under VII.C.61-64.
- ¹²⁰ Adopt measures to criminalize incitement to hatred and imminent violence based on religion or belief (Pakistan).
- ¹²¹ Adopt legal provisions for reduced working hours, additional paid holidays or another form of compensation in dangerous and unhealthy occupations (Poland).
- ¹²² Take steps to facilitate equal access to the labour market, including by increasing women's ability to continue as full-time employees following child birth (Norway).
- ¹²³ The Netherlands considers it important that all unemployed people take responsibility for participating in the labour market. This entails using measures and instruments that take account of the individual situation. The government wants to send the message that caring for young children can be combined with paid work, ambition and ongoing personal development. We will support people's efforts to combine work and care through the opportunities offered by flexible working hours and collective labour agreements. In this way employers can have more to offer working mothers and fathers.
- ¹²⁴ Implement measures to decrease the wage gap between men and women (Norway).
- ¹²⁵ Pursue an active and strict policy to end unfair pay differences between men and women especially in Government organizations (Greece).
- ¹²⁶ Ensure that women enjoy equal access to the labour market and equal pay for work of equal value (Slovenia).
- ¹²⁷ Intensify its efforts to ensure that education, health, employment and social protection programmes are inclusive and not discriminatory. Apply also these measures to all the countries and territories that form the kingdom of the Netherlands (Nicaragua).
- ¹²⁸ In the Netherlands, educational facilities are available to everyone. People's financial situation is taken into account to make education genuinely available to them.
- In Curaçao the principle of non-discrimination, enshrined in several international human rights instruments to which Curaçao is party as a country of the Kingdom of the Netherlands, is guaranteed by article 3 of Curaçao's Constitution.
- The principle of non-discrimination is also enshrined in article 1 of the Constitution of Aruba. Aruba has a compulsory health insurance for everyone who is registered in the population register. In December 2011, Parliament passed the Compulsory Education Ordinance, which applies to all children aged over 4 and under 17. This Ordinance guarantees access to education to all children, irrespective of their legal status. The Your Neighbourhood Project (Bo Bario) has been set up to improve the quality of life in the various neighbourhoods. It also aims to foster the social cohesion in

society by bringing all inhabitants together, without distinction, to take an active role in the upkeep of their own neighbourhood.

For Sint Maarten the principle of equality and non-discrimination is laid down in article 16 of the Constitution. Pertaining to education programmes being inclusive and not discriminatory, the Ordinance on Compulsory Education guarantees the right of education for all children regardless of their legal status. In September 2009, St Maarten started implementing the compulsory education ordinance. Under this legislation, all children residing in St. Maarten between the ages of four and eighteen must attend school. The ordinance has introduced a change for the better for undocumented children residing in St Maarten.

- ¹²⁹ Ensure the equal enjoyment of economic, social and cultural rights by all individuals and groups under its jurisdiction and adopt a national plan of action to combat the rise in homelessness (Azerbaijan).
- ¹³⁰ The enjoyment of economic, social and cultural rights by all individuals within the Kingdom is important in all parts of the Kingdom. Since October 2010 the three small islands in the Caribbean, Bonaire, St Eustatius and Saba, have been part of the Netherlands. The Charter for the Kingdom of the Netherlands mentions several factors that may justify different treatment of Bonaire, St Eustatius and Saba. The paragraph does not contradict the principle of equality or non-discrimination; it is rather an explanation of the way this principle should be applied. The Dutch government has improved the situation on these islands in several respects. A general healthcare system has been introduced. School books are now free. Taxes are lower than in the European part of the Netherlands. On the other hand, wages and benefits are also lower, as higher wages and allowances might attract many people from surrounding areas and cause socioeconomic imbalances. The government and parliament have sought to contrive a package of measures that ensures the economic, social and cultural rights of the people of the islands without having negative socioeconomic effects. In 2006 the Netherlands adopted a Community Shelters Action Plan aimed at gradually integrating all homeless people into a comprehensive system (including housing and care). By 2010 about 10,000 homeless people had been successfully helped. Phase 2 of the plan was adopted in 2011.
- ¹³¹ Establish guidelines for training on human rights in primary and secondary education, with homogenous curricula in all the educational centres (Spain).
- ¹³² See the national report under XII.
- ¹³³ Facilitate enrolment of children with missing or incomplete documents, improve the safety situation at schools experiencing difficulties in that regard, and include human rights and child rights education in school curricula at all levels (Azerbaijan).
- ¹³⁴ See the national report under XII.
- ¹³⁵ Review and amend national legal and policies integration measures with a view to respect the cultural and religious backgrounds of migrant communities, in particular Arab and Muslim communities (Egypt).
- ¹³⁶ Consider reinstating the Turkish mother tongue lessons as part of the primary and secondary school curricula (Turkey).
- ¹³⁷ 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 (Ukraine).
- ¹³⁸ Study the possibility to establish new measures aimed at eliminating any discriminatory treatment towards ethnic minorities (Argentina).
- ¹³⁹ Develop a migration policy, taking into account the international human rights standards in this respect (Guatemala).
- ¹⁴⁰ The migration policy The Netherlands has developed is in accordance with international human rights. Enforcement methods are aimed at ensuring a fast and accurate procedure.
- ¹⁴¹ Promote substantive reforms in the immigration policy, which guarantee its conformity with international standards, revoking measures exposing foreigners to marginalization (Mexico).
- ¹⁴² Take all necessary measures, in accordance with international human rights law, to reduce the use of detention of persons solely on grounds of immigration reasons or because they belong to minority groups (Nicaragua).
- ¹⁴³ Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Member States were to comply with the Directive by 24 December 2010.

- ¹⁴⁴ Review migration policies that exist in the country with a view to ensure the full application of international standards (Paraguay).
- ¹⁴⁵ Introduce measures to reduce detention of individuals solely for immigration purposes and consider other alternatives than detention to use when possible (Sweden).
- ¹⁴⁶ A differentiated system is in place for rejected asylum seekers, including alternatives to detention like the requirement to report to the authorities and restriction of liberty. In March 2011 a new policy was adopted on detaining unaccompanied minors who are now housed in facilities run by the Central Agency for the Reception of Asylum Seekers (COA).
- ¹⁴⁷ Enact public programs to improve integration of Muslim and other immigrants into Dutch society, and build bridges between communities (United States of America).
- ¹⁴⁸ Protect the social and cultural rights of migrants while taking integration measures and policies aimed at migrants (Bangladesh).
- ¹⁴⁹ In coordination with Office of the High Commissioner for Human Rights (OHCHR), International Organization for Migration (IOM), International Labour Organization (ILO) and relevant special procedures of the Human Rights Council, develop a comprehensive strategy to protect the rights of migrants and persons belonging to ethnic minorities (Belarus).
- ¹⁵⁰ Due to the criminalization of irregular residency in the country, design alternatives for the detention of irregular or undocumented immigrants (Brazil).
- ¹⁵¹ Reduce the number of persons in the detention centres for migrants and create alternative measures to detention, especially for families with children or unaccompanied minors (Ecuador).
- ¹⁵² Improve the conditions of migrants detention centres, especially with regard to the medical and psychological attention, as well as contact with the outside (Ecuador).
- ¹⁵³ In 2008 there was a reorientation of policy on detaining aliens. One of the changes was the adoption of a healthcare plan focusing on the quality of care and the expertise of medical staff, especially nurses, who are given mandatory extra training. The health care provided in detention centres includes psychiatric care.
Detention centres have regular visiting hours, and people may request additional visiting hours. Every detention centre also has a service desk for practical assistance.
- ¹⁵⁴ Review asylum procedures with a view to expediting the decisions in the cases of children asylum seekers as quickly as possible and facilitating family reunion of vulnerable children in an efficient and appropriate manner (United States of America).
- ¹⁵⁵ Ensure increased transparency and oversight exercised by civil society of the conditions, in which asylum seekers are kept and treated (Russian Federation)
- ¹⁵⁶ Consider additional measures to ensure that the interests of children are properly taken into account in provisions for asylum seeking families, since they are especially impacted by long delays and uncertainty (United Kingdom of the Great Britain and Northern Ireland).
- ¹⁵⁷ Carry out investigations into complaints and information on cruel treatments during the expulsions of foreigners from the Netherlands and ensure transparency when investigating such complaints (Uzbekistan).
- ¹⁵⁸ Contribute effectively in the operationalization of the right to development at the international level (Pakistan).