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Tema 6 de la agenda
Examen Periódico Universal

Informe del Grupo de Trabajo sobre el Examen Periódico Universal*

Países Bajos

Adición

**Opiniones sobre las conclusiones y/o recomendaciones,
compromisos voluntarios y respuestas del Estado examinado**

* El presente documento no fue objeto de revisión editorial antes de ser enviado a los servicios de traducción de las Naciones Unidas.

Respuesta del Reino de los Países Bajos¹

98.1²

No se acepta³.

98.2⁴

Véase 98.1.

98.3⁵

Respecto de la Convención Internacional sobre la protección de los derechos de todos los trabajadores migratorios y de sus familiares (ICRMW), véase 98.1. Por lo que se refiere a la Convención sobre los derechos de las personas con discapacidad (CRPD), los Países Bajos aceptan esta recomendación⁶.

98.4⁷

Respecto de la ICRMW, véase 98.1. Por lo que se refiere al Convenio N° 189 de la Organización Internacional del Trabajo (OIT), el Gobierno está estudiando las posibles consecuencias de la ratificación para la legislación vigente.

98.5⁸

Respecto de la CRPD, véase 98.3. Por lo que se refiere al Protocolo facultativo de la CRPD, los Países Bajos estudiarán la posibilidad de adherirse cuando se haya adoptado una decisión sobre la ratificación de la CRPD; por consiguiente, la cuestión de ratificar el Protocolo facultativo es prematura en la presente etapa.

98.6⁹

Véanse 98.3 y 98.5.

98.7¹⁰

Véase 98.5.

98.8¹¹

Véase 98.5.

98.9¹²

Sobre la ratificación de la CRPD y su Protocolo facultativo, véanse 98.3 y 98.5. Por lo que se refiere al Protocolo Facultativo del Pacto Internacional de Derechos Económicos, Sociales y Culturales, el Gobierno está estudiando las posibles consecuencias de la ratificación para la legislación vigente.

98.10¹³

Véanse 98.3 y 98.5.

98.11¹⁴

Véase 98.3.

98.12¹⁵

No se acepta. Los argumentos para presentar esas reservas todavía son aplicables.

98.13¹⁶

Véase 98.12.

98.14¹⁷

Véase 98.12.

98.15¹⁸

Véase 98.9.

98.16¹⁹

Se acepta. La ratificación está en examen actualmente²⁰.

98.17²¹

Se acepta²².

98.18²³

La violencia hacia los hijos ha estado prohibida en los Países Bajos desde hace varios años²⁴. En Aruba, el castigo corporal está prohibido por ley en las escuelas, y está prevista para 2012 la legislación para hacer extensiva la prohibición al entorno familiar. En Curaçao se modificó el Código Civil para definir el papel de los padres como cuidadores y educadores que tienen prohibida la violencia emocional o física o cualquier otra forma de trato humillante en la crianza de sus hijos. Lo mismo ocurre en Sint Maarten desde la aprobación en 2011 de la Ordenanza nacional sobre la autoridad parental, por la que se modificaba el Código Civil.

98.19²⁵

Actualmente el Gobierno de los Países Bajos está estudiando la legislación y la práctica vigente en relación con el Convenio europeo sobre el estatuto jurídico del trabajador migrante.

98.20²⁶

La posibilidad legal de condenar a niños a cadena perpetua (que nunca se utilizó en la práctica) fue abolida en 2008.

98.21²⁷

Se acepta²⁸.

98.22²⁹

Se acepta. Véase 98.21.

98.23³⁰

Se acepta. Véase 98.21.

98.24³¹

Se acepta. Véase 98.21³².

98.25³³

Se acepta³⁴.

98.26³⁵

Se acepta³⁶.

98.27³⁷

Se acepta³⁸.

98.28³⁹

Véase 98.27.

98.29⁴⁰

Véase 98.27.

98.30⁴¹

Véase 98.27.

98.31⁴²

Se acepta.

98.32⁴³

Se acepta.

98.33⁴⁴

No se acepta. Se ha optado por un modo pragmático de aplicar el Programa Mundial para la educación en derechos humanos, tomando como punto de partida la situación actual mediante un método de acción desde la base en que se presta atención a los derechos humanos al tiempo que se respeta la libertad de educación. En la práctica, se está aplicando efectivamente el Programa Mundial.

98.34⁴⁵

El Reino de los Países Bajos, integrado por cuatro países, es parte en los seis grandes tratados internacionales de derechos humanos. Las constituciones y las leyes nacionales de los cuatro países recogen la mayoría si no la totalidad de las disposiciones de esos tratados.

98.35⁴⁶

Se acepta.

98.36⁴⁷

La recomendación está acorde con la política vigente. Existen estadísticas exhaustivas sobre los delitos e infracciones que se cometen sobre la base de la discriminación⁴⁸.

98.37⁴⁹

Los Países Bajos han cursado una invitación permanente a todos los relatores especiales.

98.38⁵⁰

Todas las personas de los Países Bajos están protegidas por ley contra la discriminación. En caso de infracción, se facilita acceso a la justicia. Además, se ponen en práctica políticas activas para prevenir la discriminación⁵¹.

98.39⁵²

Se acepta. Véase 98.38.

98.40⁵³

Se acepta. Véase 98.38.

98.41⁵⁴

Véase 98.38.

98.42⁵⁵

Respecto de la vigilancia del racismo, véase 98.36 y el informe nacional, VII.A. Respecto de la investigación, el enjuiciamiento y el castigo de los actos de odio, intolerancia, racismo y xenofobia y la incitación a cometerlos, véanse 98.38 y el informe nacional, VII.A.

98.43⁵⁶

En los Países Bajos la discriminación está prohibida por ley. No existe legislación discriminatoria. Véase el informe nacional, VII.A.

98.44⁵⁷

Se acepta⁵⁸.

98.45⁵⁹

Se acepta la recomendación de luchar contra la discriminación en Internet. La lucha contra la incitación verbal al odio en Internet es parte de la política del Estado contra la discriminación y el racismo. Véase 98.38⁶⁰. Por lo que se refiere a la incitación verbal al odio por los partidos, véase el informe nacional, VII.A.50 y XIII.120.

98.46⁶¹

Se acepta⁶².

98.47⁶³

Véanse 98.38 y el informe nacional, VII.A.

98.48⁶⁴

Véanse 98.38 y el informe nacional, VII.A.

98.49⁶⁵

Se acepta. Véanse 98.38 y el informe nacional, VII.A.

98.50⁶⁶

Véanse 98.38 y el informe nacional, VII.A.

98.51⁶⁷

Véanse 98.38 y el informe nacional, VII.A.42.

98.52⁶⁸

No se acepta. El Sr. Wilders fue enjuiciado ante el Tribunal de Distrito de Amsterdam acusado de incitación al odio e injurias a un grupo. El Tribunal de Distrito, tras un examen minucioso de los cargos, lo absolvió (sentencia del Tribunal de Distrito de Amsterdam de 23 de junio de 2011). El tribunal falló que, como político y parlamentario, el Sr. Wilders debía gozar de una cierta libertad de expresar sus opiniones. Ni el fiscal ni el Sr. Wilders decidieron apelar contra esa sentencia. Por consiguiente, las actuaciones penales concluyeron. Además, el Procurador General del Tribunal Supremo de los Países Bajos ha dictaminado que no hay motivos legales para remitir el caso al Tribunal Supremo para una apelación extraordinaria (sin ningún efecto respecto del fondo del caso).

98.53⁶⁹

Véanse 98.38 y el informe nacional, VII.A.

98.54⁷⁰

Véanse 98.36 y el informe nacional, VII.A.

98.55⁷¹

Se acepta. Véase 98.38.

98.56⁷²

Se acepta⁷³.

98.57⁷⁴

El Gobierno de los Países Bajos rechaza la utilización de perfiles étnicos para fines de investigación penal como cuestión de principio⁷⁵.

98.58⁷⁶

Se acepta. Véanse 98.38 y el informe nacional, VII.A.42.

98.59⁷⁷

Se acepta. Véanse 98.38 y el informe nacional, VII.A.42.

98.60⁷⁸

Véase 98.38.

98.61⁷⁹

Véanse 98.38 y 98.45.

98.62⁸⁰

Véanse 98.38 y el informe nacional, VII.C y VIII⁸¹.

98.63⁸²

Véanse 98.45 y el informe nacional, VII.A.50⁸³.

98.64⁸⁴

Los Países Bajos se aseguran de que los servicios ordinarios atiendan las necesidades de todos, sin consideración de origen, religión o creencias, en aspectos tales como la educación, el empleo y la atención de salud. Para poder hacer valer sus derechos de forma efectiva, los migrantes deben invertir en su futuro y tener un buen dominio del neerlandés. Véanse 98.38 y el informe nacional, VII.C.

98.65⁸⁵

Se acepta. Véase 98.38.

98.66⁸⁶

Los partidos políticos deben respetar la ley, que define las declaraciones racistas como delito penal. El Reino de los Países Bajos no tiene ningún dispositivo de vigilancia preventiva o precautoria de los partidos políticos ni de sus ideas o manifestaciones públicas. Véanse 98.45 y 98.63.

98.67⁸⁷

Se acepta. Véanse 98.38 y el informe nacional, VII.

98.68⁸⁸

Se acepta. Se está evaluando la Ley de servicios municipales para la lucha contra la discriminación.

98.69⁸⁹

Véanse 98.38 y el informe nacional, VII.A.42.

98.70⁹⁰

Se acepta. Véanse 98.38, 98.45 y el informe nacional, VII.A.

98.71⁹¹

Los Países Bajos contribuyen activamente a aplicar las recomendaciones de la Relatora Especial sobre la violencia contra la mujer, sus causas y consecuencias⁹².

98.72⁹³

Con respecto a la violencia contra la mujer, véase 98.71. Los Países Bajos están en una buena posición en lo que se refiere al número de personas que corren riesgo de pobreza y exclusión social. El Gobierno tiene la intención de utilizar las medidas y los instrumentos existentes para integrar a más personas en la sociedad reduciendo el número de hogares en desempleo.

98.73⁹⁴

Las condiciones en las cárceles neerlandesas son satisfactorias. No hay problemas de ocupación excesiva. Los reclusos pueden presentar denuncias de supuestos malos tratos a un comité de supervisión independiente vinculado a cada centro de reclusión. En virtud de la Ley de instituciones penitenciarias, los reclusos tienen derecho a participar en las actividades laborales disponibles en la institución penitenciaria⁹⁵. Una de las tareas del alcaide de una prisión es garantizar que haya actividades laborales para los reclusos. Los reos deben participar en esas actividades, que el Gobierno neerlandés considera parte integrante de la organización de la vida normal para los reclusos y de la preparación para una reintegración satisfactoria en la sociedad tras el cumplimiento de su pena. La Ley de condiciones laborales de 1988 y el Decreto de condiciones laborales establecen las reglas por las que se rigen las condiciones reinantes en todos los lugares de los Países Bajos en que se realizan actividades laborales y son aplicables a todas las cárceles. Además, el Decreto de condiciones laborales establece normas especiales para las instituciones penitenciarias. Los reclusos tienen derecho a rechazar una actividad laboral a causa de las deficientes condiciones de trabajo.

98.74⁹⁶

Se acepta⁹⁷.

98.75⁹⁸

Véase 98.18.

98.76⁹⁹

Se acepta.

98.77¹⁰⁰

Los Países Bajos tienen legislación actualizada para combatir los abusos sexuales de niños¹⁰¹. También cuentan con una amplia jurisdicción que facilita el enjuiciamiento de la utilización de niños en el turismo sexual en el extranjero. En 2012 el número de funcionarios dedicados a la investigación de la pornografía infantil habrá pasado de 75 a 150. Ha entrado en funcionamiento una unidad nacional de unos 40 detectives, además de 10 unidades regionales. Un fiscal especializado ostenta la autoridad general respecto de las investigaciones y los enjuiciamientos. Actualmente se enjuician entre 380 y 480 casos de pornografía infantil todos los años; el objetivo es enjuiciar un 25% más de casos en los próximos años. Se adoptarán nuevas medidas para combatir la pornografía infantil y prevenir los abusos sexuales de niños en el marco del Plan de acción contra el maltrato de niños 2012-2016¹⁰².

98.78¹⁰³

Se están tomando varias medidas para sensibilizar a los funcionarios, trabajadores sociales y otros de los principales interesados respecto de los posibles signos de explotación de niños, y se está impartiendo capacitación sobre los métodos para combatir ese fenómeno con eficacia. Los niños víctimas de la explotación sexual son tratados con el máximo cuidado. Se les toma declaración en un entorno adaptado a ellos y por detectives especialmente certificados. Los agentes de las fuerzas del

orden también necesitan calificaciones especiales para tomar declaración a las víctimas de la trata de personas. Las directrices del Servicio de la Fiscalía sobre la trata de personas estipulan además que el fiscal puede presentar una objeción a que una víctima menor de edad sea interrogada en el tribunal.

98.79¹⁰⁴

No se acepta. Véanse 98.71 y el informe nacional, IX.

98.80¹⁰⁵

Se acepta. Se concede la máxima prioridad a la lucha contra la trata de personas¹⁰⁶.

98.81¹⁰⁷

El Gobierno neerlandés hace todo lo posible por luchar contra la trata de personas, especialmente menores de edad. Véanse 98.80 y el informe nacional, X.101, 102 y 103.

98.82¹⁰⁸

Se acepta¹⁰⁹.

98.83¹¹⁰

Se acepta¹¹¹.

98.84¹¹²

Se acepta. Existen alternativas a la reclusión de los menores, por ejemplo el arresto domiciliario¹¹³.

98.85¹¹⁴

El proyecto de ley sobre el aumento de las costas judiciales ha sido retirado.

98.86¹¹⁵

El derecho neerlandés está conforme con las normas de derechos humanos. Las nuevas leyes que se promulgan se ajustan a esas normas. Véanse también, por ejemplo, 98.45 y el informe nacional, XIII.120.

98.87¹¹⁶

Véase 98.45.

98.88¹¹⁷

Se acepta. Véanse 98.38 y el informe nacional, XIII.

98.89¹¹⁸

Se acepta¹¹⁹.

98.90¹²⁰

Véanse 98.38 y el informe nacional, VII.

98.91¹²¹

Los Países Bajos han aprobado disposiciones jurídicas que obligan a los empleadores a adoptar medidas para proteger a sus empleados. Los Países Bajos no consideran necesario adoptar otras medidas.

98.92¹²²

Se acepta¹²³.

98.93¹²⁴

Las pequeñas diferencias de remuneración entre hombres y mujeres no pueden explicarse totalmente. El motivo principal de la disparidad es que las mujeres trabajan principalmente en empleos a tiempo parcial. La diferencia salarial indica una posición distinta en el mercado de trabajo. En la generación más joven (25 a 35 años) prácticamente no hay diferencia salarial. Se prevé que la disparidad vaya desapareciendo en los próximos años.

98.94¹²⁵

Véase 98.93. Para cambiar la posición de la mujer en el mercado de trabajo, los Países Bajos necesitan un cambio cultural. De 2008 a 2010 el equipo de tareas Part-time Plus inició un debate sobre la manera de que las mujeres pudieran trabajar más horas. Formuló recomendaciones sobre el aumento de las horas de trabajo en los empleos a tiempo parcial. Los empleados y los empleadores deben estudiar el modo de conciliar mejor el trabajo y la vida privada.

98.95¹²⁶

Véanse 98.93, 98.94 y el informe nacional, VII.C.

98.96¹²⁷

La recomendación está acorde con las políticas vigentes¹²⁸.

98.97¹²⁹

La recomendación está acorde con las políticas vigentes¹³⁰.

98.98¹³¹

La recomendación se ha puesto en práctica¹³².

98.99¹³³

La recomendación se ha puesto en práctica. Todos los niños en edad escolar, independientemente de su situación jurídica, reciben educación obligatoria. Véase 98.98¹³⁴.

98.100¹³⁵

Véase el informe nacional, VII.C y VIII.

98.101¹³⁶

No se acepta. En los Países Bajos se da prioridad a la educación en neerlandés. Véase el informe nacional, VIII.

98.102¹³⁷

Se acepta. Véase 98.3.

98.103¹³⁸

Se acepta. Véanse 98.38 y el informe nacional, VII.

98.104¹³⁹

Se acepta¹⁴⁰.

98.105¹⁴¹

El Servicio de Inmigración y Naturalización evalúa las solicitudes de los extranjeros que solicitan asilo en los Países Bajos; este procedimiento se ajusta a las normas internacionales. Existen oportunidades de presentar una objeción a la desestimación de una solicitud y solicitar su revisión judicial.

98.106¹⁴²

No se acepta. Según la política que se sigue en los Países Bajos, los solicitantes de asilo rechazados y los extranjeros indocumentados pueden ser recluidos por motivos de orden público o seguridad nacional con miras a tramitar su repatriación. También puede utilizarse la reclusión en el caso de personas a las que se deniega la entrada en la frontera. La reclusión solo puede usarse como último recurso y no puede durar más de lo estrictamente necesario para tramitar el regreso de la persona de que se trate. El período máximo de reclusión de extranjeros indocumentados en los Países Bajos es de 6 meses, aunque en circunstancias especiales puede ampliarse a 18 meses, de conformidad con la directiva de la Unión Europea sobre el retorno¹⁴³.

98.107¹⁴⁴

Véase 98.104.

98.108¹⁴⁵

Se acepta. Las alternativas a la reclusión de los extranjeros forman parte de la política vigente desde enero de 2012¹⁴⁶.

98.109¹⁴⁷

Véase 98.100.

98.110¹⁴⁸

Véase 98.100.

98.111¹⁴⁹

Véase 98.38.

98.112¹⁵⁰

La residencia irregular en los Países Bajos no es una infracción penal. Sin embargo, los residentes ilegales están obligados a abandonar el país. Si no se van voluntariamente, se utiliza la reclusión como último recurso para obligarlos. Las alternativas a la detención ya forman parte de la política vigente. Véase 98.108.

98.113¹⁵¹

Véanse 98.108 y 98.112. Existen políticas especiales para evitar la reclusión de familias con miembros menores de edad. Si es necesario mantener a una familia bajo supervisión por un intervalo más prolongado mientras se prepara su regreso, puede alojarse a la familia en un centro en que su libertad de circulación esté restringida.

98.114¹⁵²

Se acepta¹⁵³.

98.115¹⁵⁴

Recientemente se han elaborado y se han presentado al Parlamento neerlandés nuevos planes para mejorar y agilizar el procedimiento de asilo de los Países Bajos: debe suministrarse información clara a los solicitantes de asilo en la etapa más temprana posible del procedimiento. Se están preparando planes semejantes para los menores vulnerables a fin de ofrecer a esos menores una clara perspectiva lo más pronto posible. Cuando un niño no tenga derecho de asilo, se da la máxima prioridad a la reunificación del niño con su familia en el país de origen. La cooperación europea se considera fundamental a este respecto.

98.116¹⁵⁵

No se acepta. El procedimiento de asilo neerlandés y sus centros de acogida están abiertos a la supervisión de la sociedad civil. Durante el procedimiento de asilo el

Consejo Neerlandés de Refugiados se ocupa de suministrar información sobre el procedimiento a los solicitantes de asilo. Si los solicitantes lo autorizan, representantes del Consejo pueden estar presentes en las entrevistas. El Consejo está presente en los centros de recepción para prestar asistencia a los solicitantes de asilo y asesorarlos sobre las cuestiones o los problemas que se planteen. Otras organizaciones no gubernamentales (como algunas dedicadas concretamente a los solicitantes de asilo menores de edad) visitan periódicamente los centros de acogida.

98.117¹⁵⁶

En las políticas y la práctica de los Países Bajos en materia de extranjería se tiene en cuenta la posición vulnerable de los menores, especialmente los menores no acompañados. Se incorpora a las políticas y la práctica el interés superior del niño. Se adoptan medidas concretas en favor de los intereses del niño. Por ejemplo, hay agentes con formación específica que entrevistan a los niños, oficinas especiales adaptadas a los niños para entrevistar a los más pequeños y políticas de asilo especiales para niños soldados y víctimas de mutilación genital femenina. Dado que las demoras excesivas y la incertidumbre se consideran indeseables, se hace un esfuerzo constante de rapidez en la adopción de decisiones. Véase 98.115.

98.118¹⁵⁷

No se acepta. Véase el informe nacional, XI.

98.119¹⁵⁸

No se acepta. Como es sabido, los Países Bajos no están a favor de un instrumento internacional sobre el derecho al desarrollo que sea jurídicamente vinculante. La responsabilidad de crear un entorno propicio no puede expresarse en términos de obligaciones vinculantes. Además, un instrumento jurídicamente vinculante no es una forma adecuada de transformar el derecho al desarrollo de compromiso político en práctica de desarrollo. Los Países Bajos aprecian enormemente la labor realizada por el equipo de tareas de alto nivel. Consideran que proporciona una base útil para seguir trabajando en la puesta en práctica del derecho al desarrollo.

Notas

- 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 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 CPRD (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 (MDI), established to receive reports of manifestations of discrimination or racism on the internet. The MDI’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 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 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 OHCH), IOM, 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).
-