

Subject: Information about Human Rights infringements and violations in the Netherlands on behalf of the Universal Periodic Review (UPR).

Dear Sir/Madam,

Thank you for the opportunity to acquaint you of our concerns about the devaluation of the maintaining of fundamental Human Rights in the Netherlands.

### **Introduction**

We are a young civil rights-society, founded 24th June 2008

The goal of 'Vrijbit' is to support, as an independent organisation, in the broadest sense all efforts of protecting the right of private life, physical integrity and self determination on own-personal data of all citizens in the Netherlands – and, if possible and necessary, abroad – regardless of age, sexe, nationality, religion, sexual preference or social status. 'Vrijbit' serves the interests of the Vrijbit-members as well as those of others who are bothered or suffering by the current repressive regime based on fear and suspect. (Article 2 of Association)

On a daily base our civil society is confronted by the results of infringement and violations of fundamental rights on the protection of private life and physical integrity. In specific ICCPR art. 17 and ECRM art 5,6,8,9,10,11,12,13,17 and 18.

This is the first time our non-governmental organisation participates in submitting you information to be added to the 'other stakeholder' report of the UPR Working Group.

### **Infringements and violations of the rights of protection of the fundamental Human Rights of protection of the private life and physical integrity in the Netherlands.**

Within 10 years the Dutch open democratic liberal society has basically been transformed. Freedom, the right to be left alone of innocent individuals, is no longer one of the main principles society is based on. The protection of the nation, her economic- and political interests against treats of terror, serious crime and undesirable regarded migration, become more and more the basic on which political decisions are made. Freedom as a fundamental ingredient of an open democratic civil society, is no longer respected as such.

Children are no longer taught that human rights are values that can not be taken for granted but have to be nursed and fought for to remain them.

Since the end of 2010, in the political climate it proofs no longer a taboo to openly put in doubt whether the European Convention on Human Rights and International Covenant on Civil and Political Rights is to be regarded as old fashioned and the Charter of Fundamental Rights of the EU not to be respected.

Jugements of the European Court of Human Rights (ECHR) are disrespected by the Dutch government. For example the storage of fingerprints of all Dutch citizens (12 years and older) inclusive their usual for activities of intelligence services and juridical purposes, is defended by the lawyer of State by obvious misinterpretation of the S&Marper case vs UK and denial that afterwards more judgements specify that the unqualified collection of biometric data is not to be tolerated.

Mobile fingerprints scans are experimented with since Novembre 2011.

The OV-chipcard pay-system forces users of the public transport to accept that their 'travelbehaviour' is registered and stored in detail by transport companies (where, when, frequencies, combination with other travellers conduct). Data who are available for al kind of juridical investigations. Registrations realised by both control of cards, camera's (programmed for face recognition) and electronic payment.

Constant- real CCTV surveillance of the public area by real life monitoring of security- and police forces is the reality of daily life for everybody who visits the centre of Rotterdam.

DNA collection of citizens who are convicted for minor violations of the law are stored for juridical purposes, including the DNA of 13 year old children who has once been condemned for fighting in the schoolyard.

Laws are made that only the suspect of breaking the law, or suspicion of the intention to do so, is sufficient to arrest people.

The principle of 'innocent until the contrary is proved' is substituted by a system that the suspected person has to prove his or her innocence. Becoming more unfair whereas digital data are regarded as superior evidence.

Almost nothing is done by the government to protect citizens against identity theft. On the contrary: all kind of data retention is ordered without any regulation about who is responsible for the data, who legislated to delete wrong data, to repair false data. Data as all electronic data of patients diagnoses and treatment in mental Healthcare, obligation to connect all Healthcare-data-exchange with one's unique personal registration number (BSN) which is used for all sections of society.

Electronic data registers of all children are filled.(EKD).  
Educational developments (in schools, youth health, childcare) have to be registered in detail.

Data retention of all e-mail, phone and internet use makes it impossible to correspondent with others in private or to search for information without the possibility to be monitored, becoming subject of dataming or leading to conclusions which are not conform the context.

Registration of almost all money transactions are connected to other personal data, not only for crimefighting but also for monitoring peoples life style. ( in specific useful of surveying all citizens who get any form of social assistance).

Banks are allowed to use the BSN, although that number was only meant for communication between the citizen and the public authorities.

Submission on income tax is organised in a way that electronic information exchange becomes inevitable.

In several cities it is no longer possible to park a car without informing the local authorities about the parking time in combination with both numberplate and bankaccountregistration.

Registration of automatic number plate recognition (ANPR) in combination with electronic parkingsystems makes it hardly possible to use a car and live in privacy.

Law proposals where made to obliges people to use 'smart'-energy meters, so information about their private life 'behind the front doors' would become available for private companies and the government.

Law proposals are made to permit supervisors to inspect the house of everyone who uses any form of financial social assistance.

The law proposal to forbid wearing cloths which obstruct camera- face recognition surveillance, is to be decided by parliament soon.

The Dutch government is world champion phone tapping. Using GPS, for years now, for sending sms messages to citizens to come to the police station if they are located near a place where something happened the police wants to get more information about.

## **Conclusion**

A important report of the Dutch Scientific Council ( WRR) proved that the government for years has been blind and deaf for all warnings of scientists and non-governmental impute about the

development, that the technical possibilities in the digital era, and the commercial interests, are going to dictate the way society is organised.

The convention of fundamental rights is no longer seen as a international standard to protect al EU inhabitants for disasters as happened in WOII, but merely as formal obstacle to tackle.

Systematically we see a tendency of 'avoiding making democratic laws' by making rules and giving more power to police, justice and counter terror/intelligence agencies by making decisions on ministerial level.

We do remark a tendency that the government tries to avoid her responsibilities, by detaching public affairs by private companies. We also remark an investment in 'smart' non-transparent linguistic constructions- putting complete different subjects together in same law proposals. Not informing parliament proper and conclude that 'parliament has been spoken a lot about subjects as if that should be the same as democratic decision-making.

### **Proposal**

We kindly ask you to take notice of our deep concerns and concrete problems. And we are begging you to do everything that is in your power to force the Dutch government to respect the fundamental rights of their citizens.

Your sincerely,

Mrs. J.M.T. Wijnberg -president of civil right society Vrijbit

Utrecht, 29-11-2011