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Excellency,

I have been following the third cycle of the Universal Periodic Review (UPR) of the Kingdom of the Netherlands and welcome your constructive engagement and that of Governments of four countries of the Kingdom during the 27th session of the UPR Working Group in early May 2017.

As the final outcome report on the review of the Kingdom of the Netherlands has been adopted by the Human Rights Council at its 36th session, I am writing to follow up on a number of areas raised in two reports that my Office prepared for the review – the compilation and the summary of stakeholders' submissions – which I consider in need of particular attention over the next four and a half years until the next cycle of the UPR. In identifying these areas, I have also considered the recommendations and/or statements made by 89 countries, the presentation and responses of the Kingdom of the Netherlands, and the action taken by the Government to implement the recommendations it had accepted during the second cycle of the UPR. The areas cover a range of issues and are set out in the annex to this letter.

I wish to welcome the fact that the Kingdom of the Netherlands Institute for Human Rights was awarded A status in 2014. I encourage the Governments of Aruba, Curaçao and Sint Maarten to establish separate national human rights institutions, as the mandate of the Institute for Human Rights did not cover the autonomous territories of the Kingdom.

I welcome the launching of the National Action Plan on Human Rights in 2013 in line with four recommendations made during the second cycle of the UPR. I encourage the Kingdom of the Netherlands to expand/strengthen, in consultation with representatives of the national human rights institutions and civil society, the National Action Plan or adopt a new plan in order to achieve concrete results in the areas contained in the annex and to facilitate the preparation of the fourth cycle of the UPR.

I also encourage the Kingdom of the Netherlands to strengthen its national mechanism for comprehensive follow up and reporting in relation to international and regional human rights mechanisms and treaty obligations. I strongly recommend to the Kingdom of the Netherlands the use of the practical guide that my Office released in 2016 on this topic and which is available at:
http://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

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H.E. Mr. Bert Koenders
Minister of Foreign Affairs
Kingdom of the Netherlands



Please be advised that I will be sharing my advice with all Member States as they go through the third cycle with a view to assisting them to begin implementing the UPR recommendations early on, following the review. An important measure that can contribute positively to follow up action is voluntary mid-term reporting. I strongly encourage all Member States to submit a voluntary mid-term report two years after the adoption of the outcome report. I welcome the Kingdom's submission of mid-term reports regarding the implementation of the recommendations made during the first and second cycles of the UPR and encourage it to submit a mid-term report for the third cycle of the review, by September 2019.

As the Secretary-General states in his 2017 report on the work of the Organization (A/72/1, paragraph 98): *"The Human Rights Council's universal periodic review process is now entering a new cycle, with every Member State scheduled for a third round of scrutiny. We will work to strengthen the relevance, precision and impact of the Council's recommendations, including by providing better support to Member States in implementation, stronger collaboration with United Nations country teams and the establishment of national mechanisms for human rights reporting and follow-up to link the universal periodic review to the implementation of the Sustainable Development Goals."*

I look forward to discussing with you ways in which my Office may assist the Kingdom of the Netherlands to take action in the areas I have identified.

Please accept, Excellency, the assurances of my highest consideration.

Zeid Ra'ad Al Hussein
High Commissioner for Human Rights



Annex

Scope of international obligations and cooperation with international human rights mechanisms and bodies

- Ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the Convention on the Rights of the Child on a communications procedure, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights and the Optional Protocol to the Convention on the Rights of Persons with Disabilities;
- Withdrawing the reservations to articles 26, 37 (c) and 40 of the Convention on the Rights of the Child;
- Extending the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the acceptance of the competence of the Committee under articles 31 and 32 of the Convention by Aruba, Curaçao and Sint Maarten;
- Extending the accession of the 1951 Convention relating to the Status of Refugees and its 1967 Protocol to Curaçao and Sint Maarten.

National human rights framework

- Allocating sufficient resources and introducing effective mechanism for monitoring and assessing the implementation of the action plans on the rights of the child in the four countries of the Kingdom as well as the Kingdom-wide Action Plan;
- Continuing efforts to eliminate differences in the protection of human rights between the European and Caribbean parts of the Kingdom.

Implementation of international human rights obligations, taking into account applicable international humanitarian law

A. Cross-cutting issues

Equality and Non-Discrimination

- Strengthening relevant laws and policies as well as ensuring their effective implementation in order to combat successfully discrimination, including on the grounds of race, ethnicity, nationality, skin colour, religion, sex, disability, gender identity and sexual orientation and in particular, to prevent and combat manifestations of racism, Islamophobia, anti-Semitism, xenophobia and intolerance, including hate speech in the media and in political discourse as well as racial and ethnic profiling by law enforcement officials.

Development, the environment, and business and human rights

- Establishing a clear regulatory framework for companies and transnational corporations registered or headquartered in the Kingdom to ensure that their activities do not have a negative impact on the enjoyment of human rights and endanger environmental and other standards both at home and abroad and ensuring the effective implementation by those companies, especially oil



extracting and palm oil and soy trading companies, as well as financial institutions, of international and national environmental and health standards.

B. Civil and political rights

Fundamental freedoms

- Decriminalizing defamation and placing it within the civil code.

Right to privacy

- Ensuring that the collection and retention of data for criminal law purposes do not entail to mass surveillance of innocent persons and that relevant laws include adequate human rights safeguards on the use, retention and destruction of communication data.

Prohibition of all forms of slavery

- Enhancing measures to prevent human trafficking and to ensure that victims of human trafficking are effectively identified, protected and assisted and that perpetrators of human trafficking-related crimes are prosecuted and adequately punished.

C. Economic, Social and Cultural Rights

- Ensuring that the rights enshrined in the International Covenant on Economic, Social and Cultural Rights are directly applicable, justiciable and binding at the national level;
- Strengthening the implementation of its anti-poverty policy to ensure that effective measures are specifically geared to vulnerable groups at risk of poverty and social inclusion;
- Preventing children from lower socioeconomic backgrounds dropping out the secondary schools and addressing disparities in educational achievement and school dropout rates between students from ethnic minority groups and students from the majority group;
- Integrating human rights education as well as a comprehensive sexuality education into the national school curriculum.

D. Rights of specific persons or groups

Women

- Continuing efforts to improve gender equality and in particular, to combat discrimination against women in employment, address the continued horizontal and vertical occupational segregation and to close the gender pay gap;
- Adopting effective measures to combat violence against women, including by revising the policy on domestic violence to replace the gender-neutral approach with a gender-sensitive approach and by providing targeted training to prosecutors and the police in order to effectively identify, investigate and prosecute cases of gender-based violence.



Children

- Improving the implementation of existing legal provisions and policies aimed at preventing violence against and sexual abuse of children;
- Amending legislation to explicitly prohibit corporal punishment in all settings throughout the Kingdom;
- Amending the 2014 Adolescent Criminal Law so that all children below the age of 18 years are treated under the juvenile justice laws without exception;
- Putting an end to the “baby box” initiatives, which allow the anonymous abandonment of children without knowing their identity and improving family planning services, counselling and social support for unplanned pregnancies in order to prevent child abandonment.

Persons with disabilities

- Improving the implementation of the principle of inclusive education throughout national education system;
- Ensuring effective access to employment for persons with disabilities;
- Using alternative and less restrictive ways to treat persons with mental and psychosocial disabilities in mental health care institutions;

Minorities

- Establishing an effective consultative mechanism for a dialogue with representatives of minority groups in order to be properly informed about their problems and needs, and develop and implement, in close consultation with them, policies and programmes to improve the protection of their rights.

Migrants, refugees, and asylum seekers

- Intensifying efforts to prevent discrimination against migrants, particularly in employment, health care and housing and to address cases of labour exploitation of migrant workers;
- Ensuring that undocumented migrants at risk of destitution have unconditional access to basic needs and providing emergency assistance to homeless migrants in an irregular situation;
- Giving a priority to the use of alternatives to detention for asylum seekers and immigrants and ensuring that vulnerable individuals and children are never held in detention;
- Investigating the disappearance of unaccompanied children from asylum reception centres;
- Processing efficiently and expeditiously asylum requests from unaccompanied minors and requests for family reunification;
- Addressing shortage of housing for asylum seekers.



Stateless persons

- Expediting efforts to introduce a statelessness determination procedure and ensuring that every child born in the Kingdom of the Netherlands, who would otherwise be stateless, has the right to acquire Dutch nationality in accordance with the international obligations.