



Interim report  
of the

**KINGDOM  
OF THE NETHERLANDS**

Second cycle of the *Universal Periodic Review*

**November 2014**

## **Introduction**

The Kingdom of the Netherlands was reviewed for the second time under the Universal Periodic Review on 31 May 2012. The review was based on the national report submitted on 8 March 2012<sup>1</sup> and resulted in 119 recommendations<sup>2</sup>. During the review the Kingdom of the Netherlands announced that it would voluntarily submit an interim report on the implementation of the recommendations, as it did during the first cycle of the UPR with an interim report submitted in 2010. The current interim report therefore updates the initial response of the Kingdom of the Netherlands to the recommendations<sup>3</sup> and provides further information on the implementation of the recommendations that the Kingdom of the Netherlands has accepted.

The Kingdom of the Netherlands considers the UPR to be an important mechanism and an ongoing process, complementary to the work of treaty bodies and special procedures. The UPR process contributes to a permanent focus on promoting and protecting human rights at national level. Promoting the observance of human rights is a never-ending task. It merits, and receives, constant attention within the national sphere, with a view to improving the human rights situation. The four countries of the Kingdom (the Netherlands, Aruba, Curaçao and St Maarten)<sup>4</sup> are aware that while the institutional protection of human rights is essential, it is not sufficient as a means of ensuring respect for fundamental rights. What matters is that these rights are observed in practice.

In 2012, several delegations recommended the countries of the Kingdom of the Netherlands to develop a national human rights action plan. The Netherlands has put this recommendation into effect. A National Action Plan on Human Rights was presented to Parliament in December 2013. The Action Plan sets out the ways in which the government fulfils its responsibility to protect and promote human rights in the Netherlands, the specific objectives and priorities it defines in this regard, and the role of other bodies and individuals in ensuring respect for human rights in the Netherlands. Five specific policy themes are discussed in the National Action Plan: 'non-discrimination and equal treatment', 'information society', 'immigration and asylum',

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<sup>1</sup> UN document A/HRC/WG.6/13/NLD/1.

<sup>2</sup> UN document A/HRC/21/15.

<sup>3</sup> UN document A/HRC/21/15/Add.1/Rev.1.

<sup>4</sup> As was set out in paras. 5-6 of the national report of 2012, following constitutional reforms in 2010 the Kingdom of the Netherlands consists of four countries of equal status: the Netherlands, Aruba, Curaçao and St Maarten. The Netherlands includes a Caribbean part: the islands of Bonaire, St Eustatius and Saba.

'physical integrity and personal liberty' and 'education, employment and culture'. The Action Plan is annexed to this interim report.

Aruba, Curaçao and St Maarten are also taking steps to adopt national human rights action plans. Aruba plans to make a start on this at the end of 2014. It will do so on the basis of the most recent periodic reports submitted under the human rights instruments and the international recommendations arising from them. This integrated action plan, embracing a broad spectrum of human rights, with set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba. As new autonomous countries within the Kingdom, St Maarten and Curaçao will evaluate the possibility of formulating and developing national human rights action plans.

Other important developments since 2012 include the establishment of an Internet Discrimination Hotline in January 2013, the entry into force (on 1 July 2013) of the Mandatory Reporting of Domestic Violence and Child Abuse Code, the launch of an action plan against child sex tourism in October 2013 and the presentation to the Dutch Parliament of the bill for the approval of the Convention on the Rights of Persons with Disabilities (CRPD) in July 2014.

**Recommendation 1. Ratify the ICRMW (Algeria, Egypt, Iran (Islamic Republic of)).**

The Netherlands did not accept this recommendation. As noted in the national report of 2012, the Netherlands will not accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Please see para. 37 of the national report of 2012 for more information.

**2. Consider ratifying the ICRMW (Mexico).**

See under recommendation 1 above.

**3. Study the possibility of ratifying the ICRMW and continue with its efforts to achieve the ratification of the CRPD (Argentina).**

As to the ICRMW, see under recommendation 1 above. As to the ratification of the Convention on the Rights of Persons with Disabilities (CRPD), the Netherlands has accepted this recommendation. The necessary draft legislation to make ratification possible for the European part of the Netherlands was submitted to Parliament in July 2014. Entry into force is scheduled for 1 July 2015. Ratification for Aruba, Curaçao and St Maarten is still under consideration in those parts of the Kingdom.

**4. Consider ratifying the ICRMW as well as the ILO Convention 189 (Belarus).**

As to the ICRMW, see under recommendation 1 above. As to ILO Convention 189, the government of the Netherlands requested the advice of an independent committee regarding the ratification of this convention. This committee published its report in March 2014. The government is currently preparing its response to it.

**5. Proceed swiftly with the ratification of the CRPD and its Optional Protocol (Estonia).**

As to the CRPD, see under recommendation 3 above. As to the Optional Protocol to the CRPD, the Netherlands is currently considering accession.

**6. Ratify the CRPD and its Optional Protocol (France, Australia);**

**7. Consider ratifying the OP-CRPD (Morocco);**

**8. Ratify the OP-CRPD (Iran (Islamic Republic of));**

**9. Ratify the CRPD and its Optional Protocol, as well as the OP-CESCR (Spain).**

Regarding the CRPD, see under recommendation 3 above. As to the Optional Protocol to the CRPD, see under recommendation 5 above.

As to the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (OP-CESCR), the Dutch government is studying the possible consequences of ratification for legislation and policy.

**10. Adopt the necessary measures with a view to ratifying the CRPD and its Optional Protocol (Chile);**

**11. Study the possibility of ratifying the CRPD (Costa Rica).**

Regarding the CRPD, see under recommendation 3 above. As to the Optional Protocol to the CRPD, see under recommendation 5 above.

**12. Withdraw its reservations to the CRC (Iran (Islamic Republic of));**

**13. Reconsider the possibility of lifting reservations to the CRC (Russian Federation);**

**14. Lift its reservations to articles 26 (c), 37 and 40 of the CRC (Uzbekistan).**

The Netherlands did not accept these recommendations. The arguments underpinning its reservations still apply. Further information is to be found in para. 38 of the national report of 2012.

**15. Ratify the OP-ICESCR (Slovakia).**

Regarding the OP-ICESCR, see under recommendation 9 above.

**16. Consider an early ratification of the third Optional Protocol to the CRC on a communication Procedure (Slovakia).**

The Netherlands has accepted this recommendation. Ratification of the third Optional Protocol to the CRC is currently under examination.

**17. Approve, in all the countries that form the Kingdom, legislation that criminalizes all forms of trafficking in persons (Nicaragua).**

The Netherlands has accepted this recommendation. All forms of human trafficking are criminal offences in the European and Caribbean parts of the Netherlands as well as in Aruba, Curaçao and St Maarten. The countries of the Kingdom cooperate in the fight against human trafficking as agreed in a Memorandum of Understanding.

Combating human trafficking is one of the Dutch government's priorities. The penalties for human trafficking have been increased twice in the Netherlands since 2008. As of 1 April 2013, the maximum sentence for the offence of trafficking in human beings was raised from a term of imprisonment of no more than 8 years to a maximum of 12 years. On 15 November 2013, legislation implementing the EU anti-trafficking directive entered into force. This entailed a few mainly technical amendments to the Criminal Code.

Figures from the National Rapporteur on Trafficking in Human Beings show that in 2012 the Public Prosecution Service in the Netherlands recorded the highest number of cases of human trafficking referred to it by the police and other investigative authorities since 2000 (no fewer than 311). The same applies to the number of human trafficking cases disposed of by the Public Prosecution Service (338).

In 2013, Aruba's first court judgment in a human trafficking case was handed down. The court imposed prison sentences of 4.5 years and 22 months.

St Maarten's new criminal code will create the broadest possible scope for tackling this criminal offence, as it criminalises the trafficking and smuggling not only of women, but also of workers and boys. The new provisions will enable various forms of exploitation of persons to be addressed by the criminal justice system.

In Curacao, the new Criminal Code of November 2011 criminalises all forms of trafficking in persons as a separate offence.

#### **18. Prohibit corporal punishment in all settings throughout the Kingdom of the Netherlands (Slovenia).**

Corporal punishment has been formally prohibited in the European part of the Netherlands for several years. In the Caribbean part of the Netherlands (the islands of Bonaire, St Eustatius and Saba), a separate Criminal Code applies, in force since 10 October 2010 when the Netherlands Antilles ceased to exist as a country (see also paras. 5-6 of the national report of 2012). Given the drastic changes of 2010, it was agreed to maintain the legislation in force, as much as possible, for a five-year period. For this reason, legislation on young people and guardianship modelled on Dutch law has not been introduced on Bonaire, St Eustatius or Saba. However, abuse is defined as a criminal offence in the Criminal Code for Bonaire, St Eustatius and Saba.

In addition, as in the European part of the Netherlands, the penalty for this criminal offence can be increased by one-third if one of the victims was the offender's own child.

Although no civil law or juvenile criminal law modelled on those of the European part of the Netherlands has been introduced on Bonaire, St Eustatius or Saba, the Guardianship Council for these islands (analogous to the Child Protection Board in the European part of the Netherlands) takes the specific interests of young people into account. The first criterion in this regard is compliance with international standards, such as those prescribed in the Convention on the Rights of the Child. The youth policy of the justice system in the Caribbean part of the Netherlands is geared towards investing as much as possible in the preventive side of the youth care system. The Guardianship Council is an important partner in that policy. The Guardianship Council endeavours, by disseminating information at schools and on the radio and TV, to raise the population's awareness of these issues. Specifically on tackling child abuse, the government agency for Youth Care and Family Supervision in the Caribbean part of the Netherlands, which comes under the Ministry of Health, Welfare and Sport, organised a number of conferences. Steps have been taken to raise awareness, to boost training, and to draft a plan of action, with a view to devising a comprehensive campaign to combat child abuse that is attuned to the capacity of each island's local organisations. In April 2013 a protocol on reporting child abuse by youth care and family supervision services and the Guardianship Council to the Public Prosecution Service and the police was signed by the relevant parties. This constituted an important step in efforts to suppress child abuse and the use of corporal punishment.

In Aruba corporal punishment is prohibited by law in schools, and currently the Civil Code is being amended to disallow parents from applying mental or physical violence or any other humiliating treatment to their children. In Curaçao, the Civil Code was amended to define parents' role as that of caregivers and educators, prohibiting them from employing emotional or physical violence or any other form of humiliating treatment in parenting their children. The same goes for St Maarten since the passage of the National Ordinance on Parental Responsibility in 2011 amending the Civil Code.

**19. Undertake necessary steps in order to harmonize the Dutch law and practice with the European Convention on the Legal Status of Migrant Workers (Turkey).**

The Dutch government is currently studying existing Dutch law and practice in relation to the European Convention on the Legal Status of Migrant Workers.

**20. Abolish in its criminal legislation the use of life imprisonment to children (Belarus)**

The possibility of sentencing children to life imprisonment (which was in practice never used) was abolished in 2008. Even when children are sentenced under adult criminal law, the court cannot impose life imprisonment (Article 77b of the Criminal Code).

**21. Ensure effectiveness, proper functioning and independence of its national human rights institution (Egypt);**

**22. Accelerate the full operationalization of the National Institute for Human Rights in the near future (Indonesia);**

**23. Expedite the establishment and operationalization of the National Institute for Human Rights which fully complies with the Paris Principles (Malaysia).**

The Netherlands has accepted these recommendations. The Netherlands set up a National Institute for Human Rights ([www.mensenrechten.nl](http://www.mensenrechten.nl)), which came into operation on 1 October 2012. The Act establishing the Institute is in accordance with the Paris Principles and the Institute operates according to these principles. The International Coordinating Committee for National Human Rights Institutions therefore accredited the Institute with 'A status' in 2014.

Curaçao has decided to establish a national human rights institute in accordance with the Paris Principles. St Maarten seeks to create a similar institute in the near future. As a new autonomous country within the Kingdom of the Netherlands, St Maarten is building up the various institutions needed to guarantee its citizens' human rights.

Aruba's interdepartmental Human Rights Committee has been given a new lease of life in the past two years. Besides reporting on the situation regarding the various human rights instruments as applicable to Aruba, the Committee has given priority to its task of informing the public. In 2013 a series of activities was organised to publicise and commemorate the 65th anniversary of the Universal Declaration of Human Rights. In July 2014 delegates made an information-gathering visit to the National Institute for Human Rights in the Netherlands, together with representatives from Curaçao and St Maarten. They inquired about subjects including the procedure by which the Institute had been established and the way it operates on a day-to-day basis. On the basis of the information obtained and the contacts forged, Aruba, Curaçao and St Maarten will decide on the next steps to be taken.



**24. 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);**

**25. 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).**

The Netherlands has accepted these recommendations. The Institute for Human Rights issues numerous findings, reports and recommendations, organises meetings and provides information in this context. Chief among the instruments designed to ensure a coherent approach to human rights issues are the annual reports issued (in accordance with statutory obligations) by the Institute for Human Rights, the government's written responses to these reports, and the National Action Plan on Human Rights that has been adopted, partly on the basis of these documents. In relation to the National Action Plan, public interim reports are sent to the House of Representatives and the Institute for Human Rights. These are debated both in Parliament and in the meetings with civil society that are convened at least once a year.

**26. Continue to assist, when requested, Aruba, Curaçao and Sint Maarten to develop human rights institutions, laws and policies (Australia).**

The Netherlands has accepted this recommendation. Requests for assistance between the countries of the Kingdom are given positive consideration as a matter of course. In July 2014, representatives of Aruba, Curaçao and St Maarten visited the Netherlands to learn more about its National Institute for Human Rights with a view to setting up similar institutions in the other parts of the Kingdom.

**27. Formulate a national human rights action plan (Philippines);**

**28. Develop a national human rights action plan (Uzbekistan);**

**29. Evaluate the possibility to develop a national human rights action plan (Argentina);**

**30. Draft a national human rights plan which includes public policies and strategies reaching a comprehensive range of human rights (Brazil).**

The Netherlands has accepted these recommendations. On 10 December 2013, the Dutch Minister of the Interior and Kingdom Relations presented the Netherlands' first Human Rights

National Action Plan.<sup>5</sup> The National Action Plan sets out the ways in which the Dutch government fulfils its responsibility to protect and promote human rights in the Netherlands, the specific objectives and priorities it defines in this regard, and the role of other bodies and individuals in ensuring respect for human rights in the Netherlands. The aim is to place the protection and promotion of human rights in the Netherlands on a more systematic footing.

Five specific policy themes are discussed in the National Action Plan: 'non-discrimination and equal treatment', 'information society', 'immigration and asylum', 'physical integrity and personal liberty' and 'education, employment and culture'. These themes were drawn from, among other sources, the 2012 annual report issued by the Netherlands Institute for Human Rights, the Universal Periodic Review, the annual report of the EU Agency for Fundamental Rights, the points of concern raised by the Secretary-General of the Council of Europe in the wide-ranging monitoring debate, and themes put forward by NGOs and institutions that were consulted during the preparation of the Action Plan.

Aruba, Curaçao and St Maarten are also taking steps towards adopting national human rights action plans. Aruba plans to make a start on this at the end of 2014. It will do so on the basis of the most recent periodic reports submitted under the human rights instruments and the international recommendations arising from them. This integrated action plan, embracing a wide spectrum of human rights, with set priorities and implementation paths, will promote the observance and implementation of human rights in Aruba. As new autonomous countries within the Kingdom, St Maarten and Curaçao will evaluate the possibility of formulating and developing national human rights action plans.

### **31. 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).**

The Netherlands has accepted this recommendation. Since 2008 the Government has supported the foundation ‘Talent to the Top’ in implementing its similarly-named charter. By now, the Charter has gained the support of some 250 prominent signatories, which employ approximately 10% of the Dutch workforce, and in which women occupy an average of 20% of senior management positions. After the summer of 2014, it will be decided whether it is

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<sup>5</sup> The English version of this Action Plan is annexed to this interim report. It is also available at: <http://www.government.nl/government/documents-and-publications/notes/2014/03/19/national-action-plan-on-human-rights.html>.

necessary or desirable to continue to subsidise the foundation, also on the basis of an evaluation.

In addition, a 'Company Monitor' tracks progress towards the minimum target of 30% of women on the boards of directors and supervisory boards of large companies. This target and the related reporting obligations have been incorporated into the Management and Supervision Act, which entered into force on 1 January 2013. For central government, the Act prescribes a minimum target of 30% women occupying positions in the Senior Public Service (i.e. the group of most senior civil servants) by 2017.

**32. Continue efforts aimed at promoting and protecting human rights on the ground (Qatar).**

The Netherlands has accepted this recommendation. As noted in the introduction, the Netherlands is aware that while the institutional protection of human rights is essential, it is not sufficient as a means of ensuring respect for fundamental rights. What matters is that these rights are observed in practice. The Netherlands government is strongly committed to further strengthening the promotion and protection of human rights, as evidenced *inter alia* by the National Action Plan on Human Rights unveiled in December 2013.

**33. Adopt a National Action Plan on Human Rights Education (Slovenia).**

The Netherlands did not accept this recommendation. In 2012 we concluded that the Netherlands prefers to adopt a pragmatic approach to implementing the UN World Programme for Human Rights Education. Since then, supplemental to the measures taken in 2012, the Netherlands has adopted a National Action Plan on Human Rights (see under recommendation 27 above). This includes education, with reference to the existing compensatory policy, and policies on citizenship and human rights education and promoting a safe environment (see section 4.5 of the National Action Plan on Human Rights).

**34. 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).**

The Kingdom of the Netherlands, consisting of four countries, is party to the six major international human rights instruments. The constitutions and national legislation of the four countries cover the majority, if not all, of the provisions of these instruments. However, each of

the four countries is autonomous in the manner in which they implement their treaty obligations domestically.

**35. Strengthen its policies and measures for guaranteeing all socio-economic and cultural rights, and ensure those policies not to impede the full enjoyment of these rights in the context of global and regional financial crisis (Viet Nam).**

The Netherlands has accepted this recommendation. Existing policy is in line with this recommendation.

**36. 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 obligation of the Netherlands in registering such crimes (Uzbekistan).**

The Netherlands accepts this recommendation, which is in line with existing policy.

Comprehensive statistics on crimes and offences committed on the basis of discrimination are in place. The police have been registering the presence of discriminatory factors in respect of criminal offences since 2008. When someone is prosecuted for an offence which also involves discrimination, the Public Prosecution Service considers the discriminatory aspect as an aggravating factor when deciding what sentence to demand. Since 2009, discrimination has been defined as an aggravating factor warranting a 50% increase in the sentence. As from May 2011, another aggravating factor has been incorporated for such offences, warranting a 100% increase in the sentence demanded. The public prosecutor can apply for this latter increased sentence for serious criminal offences motivated by discriminatory factors. The discrimination expertise centres of the Public Prosecution Service and the police promote increased knowledge of this subject in various ways, including providing courses for personnel of the Public Prosecution Service and the police. There are also regular training courses on the proper registration of discrimination incidents within the police and on identifying criminal offences with discriminatory aspects.

**37. 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).**

The Netherlands has a standing invitation to all Special Rapporteurs.

**38. 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 (Iran, Islamic Republic of).**

This recommendation is in line with existing policy. Everyone in the Netherlands is protected by law from discrimination. In the event of an infringement, access to justice is available. In addition, active policies to prevent discrimination are implemented. These were set out in the national report of 2012, in particular Chapter VII (non-discrimination) and Chapter IX (Domestic violence).

The Netherlands does not develop policies targeting specific types of discrimination. General measures are in place to prevent discrimination on any and every ground. The Dutch infrastructure to combat discrimination, including bodies such as the anti-discrimination services and the Equal Treatment Commission, is accessible to everyone and equipped to deal with all forms of discrimination. The Dutch government reports annually to Parliament on the progress made on the action programme on discrimination. The progress letter sent out in 2013 discusses issues such as the nature and extent of discrimination, and measures taken to strengthen local anti-discrimination efforts, to improve the system for registering reports made to the police and other bodies, and to improve victims' willingness to report incidents.

In particular cases, attention is focused on discrimination against specific groups. For example, several high-level round table meetings and expert meetings have been organised to combat discrimination against Jews and Muslims, involving the participation of a wide range of actors, including schools, anti-discrimination bodies, local communities and non-governmental organisations.

At the initiative of the Ministries of Security & Justice and Social Affairs & Employment, an Internet Discrimination Hotline ('Meldpunt Internet Discriminatie' or MiND) was set up in January 2013. Members of the public can report criminal, discriminatory utterances made on the internet confidentially, using the website [mindnederland.nl](http://mindnederland.nl). MiND staff assess each such report, on the basis of the Criminal Code and relevant case law, to establish whether the utterance concerned does indeed constitute a criminal offence. If this is the case, the moderator or website owner is

asked to remove it. In 2013 MiND received over 300 reports. About 250 of these did in fact concern internet discrimination.

**39. 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).**

The Netherlands has accepted this recommendation. The government is continuing to pursue the policies set out in the national report of 2012 (especially Chapter IX). Given the frequency and gravity of incidents involving domestic violence, vigorous action still needs to be taken. The current approach rests on three pillars: 1) strengthening the position of victims and potential victims (prevention, recognition, shelter, assistance and aftercare); 2) targeting perpetrators; and 3) breaking through the intergenerational transmission of violence. It encompasses all forms of domestic violence, from child and partner abuse, sexual violence and abuse of the elderly, to female genital mutilation, honour-related violence and forced marriage.

A gender scan, concluded in January 2014, has produced a clearer understanding of the degree to which the approach to domestic violence is genuinely gender-sensitive. The gender scan led to the conclusion that policy is not explicitly gender-sensitive: though there is a degree of gender-sensitivity in policy, it is not always guaranteed. However, gender-neutral policy does not necessarily obstruct a gender-sensitive approach. The study led to a number of recommendations on the government's role, monitoring and research, raising awareness, possible adjustments to policy and instruments, and the role of municipal authorities. In the coming period, the government will discuss the conclusions and recommendations with municipal authorities, people working in the field and civil society organisations, and will then decide on the actions needed to make policy and its implementation more gender-sensitive.

On 1 July 2013, the Mandatory Reporting Code (Domestic Violence and Child Abuse) Act came into force. Under this legislation, organisations in various sectors, including the health and youth care sectors, are required to have codes of practice setting out the steps to be taken when a professional identifies signs of domestic violence or child abuse. Organisations are also required to promote the use of these codes and are responsible for ensuring that their staff are trained to recognise the signs of domestic violence and child abuse.

The municipal authorities play a central role in tackling domestic violence. Under the Social Support Act, they are responsible for providing shelter and assistance. In 2009, central government issued guidelines for municipalities on drafting and developing policy on the prevention of domestic violence. The Social Support Act is now being amended, and the amendments will enter into force on 1 January 2015. The prevention of domestic violence will also occupy a prominent place in the amended legislation. Under the new Youth Act, also to enter into force on 1 January 2015, the municipal authorities will be responsible for preventing child abuse and providing victims with assistance. In the context of these developments, the domestic violence prevention project was launched in the summer of 2012, and will run to the end of 2014. The Association of Netherlands Municipalities and the Federation of Shelter Organisations are responsible for this project, together with other parties such as the employers' association for the social and welfare services, the youth care and childcare sectors and the national umbrella organisations of the Municipal Health Services and Youth Care Services. The aim is to strengthen municipal authorities' policy strategies, for instance through the adoption of regional plans setting out their policies on specific issues such as child abuse and domestic violence. This will improve cohesion at local level.

As of 1 January 2015, municipalities will be responsible for merging their Domestic Violence Advice and Support Centres and Advice and Reporting Centres for Child Abuse and Neglect to establish a local joint Domestic Violence and Child Abuse and Neglect Advice and Support Centre. The Social Support Act is being amended accordingly. A support programme was launched by the Association of Municipal Authorities in April 2013.

Furthermore, in 2012 an action plan specifically targeting child abuse was launched for the 2012 to 2016 period. Children are especially vulnerable in their relationships with their parents and carers, and are less able to stand up for themselves than adults. The measures in the action plan aim to prevent, identify and stop child abuse and to provide adequate treatment for children who may have been harmed. The action plan also focuses on safeguarding children's physical safety and tackling sexual abuse. A task force has been appointed to monitor implementation of the action plan, drive activities forward, and ensure that preventing child abuse occupies, or continues to occupy, a prominent place on the agendas of all the parties involved. Responsibility for preventing child abuse and providing victims with assistance is to be delegated to the municipal authorities.

**40. Devise more specific measures to eliminate discrimination against women, ethnic minorities, migrants, Muslim and people of African origin (Thailand).**

See under recommendation 38 above.

**41. Strengthen its actions against on all forms of discrimination and effectively protect the rights of women, children and immigrants (China).**

See under recommendations 38 en 39 above.

**42. Establish mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia (Egypt).**

Existing policy is in line with this recommendation. As to the monitoring of racism, see under recommendation 36 above. Regarding the investigation, prosecution and punishment of incitement to and acts of hatred, intolerance, racism and xenophobia, see paras. 52-54 of the national report of 2012. It should further be noted that a nationwide information campaign to fight prejudice and intolerance was launched in 2014. The campaign is aimed at heightening public awareness of discrimination and at encouraging those who experience discrimination to report it to the antidiscrimination services.

**43. Review, amend and repeal its national discriminatory laws and regulations against persons of certain religious backgrounds, in particular Muslim migrants (Egypt).**

Discrimination is forbidden by law in the Netherlands. No discriminatory legislation exists.

**44. 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).**

The Netherlands has accepted this recommendation. The Working Conditions Act requires employers to prevent and fight discrimination and harassment among their employees. The Social Affairs and Employment Inspectorate monitors employers' compliance with this requirement. 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. In 2014, an action programme to prevent discrimination on the labour market with 44 specific policy measures was adopted by the Dutch Parliament.



**45. 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).**

The Netherlands has accepted this recommendation. Combating hate speech on the internet is part of the Dutch government's policy on fighting discrimination and racism. See also under recommendations 36 and 38 above. With regard to racist speech by political parties, see paras. 50-54 and 120 of the national report of 2012.

**46. 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).**

The Netherlands has accepted this recommendation. A dialogue on diversity and tolerance is imperative in a democratic and pluralist society. The Dutch government considers dialogue on diversity to be of the utmost importance and organises ongoing flexible dialogues with ethnic and religious groups within the framework of integration policies.

**47. Take all necessary measures to prevent and eliminate all manifestations of racism, Islamophobia, xenophobia, and religious intolerance (Iran (Islamic Republic Of));**

**48. 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).**

See under recommendations 36, 38 and 42 above.

**49. Design a comprehensive policy to address discrimination of national minorities in all areas (Mexico).**

See under recommendation 38 above. The Dutch government reports annually to Parliament on the progress made on the action programme on discrimination. This action programme includes the protection of all individuals, regardless of background.

**50. Adopt all the measures necessary to combat discrimination in all its forms, including racism and xenophobia (Nicaragua);**

**51. Develop a national action plan to combat discrimination in consultation with civil society (Norway).**

See under recommendations 36, 38 and 42 above.

**52. 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).**

The Netherlands did not accept this recommendation. As noted in the national report of 2012 (para. 121), the Public Prosecutor decided not to appeal against this verdict, which means that the criminal proceedings against Geert Wilders have come to an end. In addition, the Procurator General at the Dutch Supreme Court has found that there are no legal grounds for submitting the case to the Supreme Court for appeal in cassation (without reference to the substance of the case). All legal remedies in this case have therefore been exhausted.

**53. Strengthen legal and institutional measures to prevent and suppress manifestations of racism, xenophobia and intolerance (Pakistan).**

See under recommendations 36, 38 and 42 above.

**54. 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).**

See under recommendation 36 above.

**55. Make further efforts to combat racial discrimination and xenophobia, and to promote racial and religious harmony (Qatar);**

**56. 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);**

**57. Adopt measures to stamp out discrimination arising as a result of the practice of racist, ethnic, or religious profiling (Russian Federation);**

**58. Approve a plan of action to fight discrimination, and against any initiatives of political associations or groups that promote racism or xenophobia (Spain);**

**59. Identify through its domestic discussion effective ways and means to prevent and suppress manifestation of racism, xenophobia and intolerance (Thailand).**

As to combating racism and discrimination, see under recommendations 36, 38 and 42 above.

With regard to ethnic profiling, this practice is rejected by the Netherlands as a matter of principle. Preventing ethnic profiling is crucial to the effectiveness and legitimacy of the National Police, as well as to maintaining the public's confidence in, and cooperation with, the police. On

4 June 2014, the University of Leiden published the findings of a study set up to determine whether ethnic profiling was practised by the police in The Hague. The report concluded that there was no evidence of systematic ethnic profiling. The Minister of Security and Justice has announced that he will be stepping up efforts to root out ethnic profiling in collaboration with the national police over the coming year.

**60. Follow up on the CDESCR 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).**

See under recommendations 38, 42 and 44 above.

**61. 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).**

See under recommendations 36, 38, 42 and 45 above.

**62. Take appropriate measures in combating discrimination and marginalization against vulnerable groups, particularly migrants, minorities, women, children and persons with disabilities (Viet Nam).**

See under recommendations 38 and 44 above. Furthermore, it should be noted that 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. For migrants to assert their rights effectively, they must invest in their future and have a good command of the Dutch language. The Dutch government contributes to this process by helping to shape a society in which all those who settle in this country can make a life for themselves through active participation.

The Netherlands ensures that the needs of everyone, regardless of their origin, religion or beliefs, are addressed by the regular services in fields such as education, employment and health care.

**63. Take more efficient measures to prevent and eliminate manifestations of racism, xenophobia and intolerance in political speech (Algeria).**

See under recommendations 36 and 38 above. With regard to manifestations of racism in political speech, see also paras. 50-54 and 120 of the national report of 2012.

**64. 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);**

**65. Intensify its efforts to eliminate discrimination against migrant, black, Muslim and other minority women, who still face multiple forms of discrimination (Bangladesh).**

See under recommendations 38 and 44 above.

**66. 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).**

See under recommendations 36 and 38 above. With regard to manifestations of racism in political speech, see also paras. 50-54 and 120 of the national report of 2012.

**67. Take measures to address concerns of racial discrimination in the application of its national policies (Botswana);**

**68. 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).**

See under recommendation 38 above. With regard to municipal programmes, the introduction of the Municipal Anti-Discrimination Services Act in 2009 made it possible for virtually anyone in the Netherlands to report discrimination to an anti-discrimination service, and if necessary to receive professional support. However, the evaluation of this Act has revealed that not all municipalities have an anti-discrimination policy, and that the available services are not sufficiently well known to the public. The central government is conducting talks with municipal authorities to explore ways in which the latter can develop their own anti-discrimination policies and publicise the existence of their anti-discrimination services.

**69. Develop a national plan against racism (Costa Rica);**

**70. 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).**

See under recommendations 36, 38, 42 and 45 above.

**71. 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);**

**72. Adopt effective measures to combat violence against women and to fight poverty (Cuba).**

As regards violence against women, see under recommendation 39 above. With regard to poverty, the government is providing extra funding to fight poverty and debt. The government's budget for fighting poverty and debt was increased by €20 million in 2013 and will be further increased by €80 million in 2014 and €100 million from 2015 onwards. Special attention will be given to poor families, the working poor and the elderly with small pensions (mostly women). Improving the financial position of single-parent families, in particular, can help to reduce poverty among women. Recent reforms to child benefit have made it financially more attractive for single mothers to return to work after a period of dependence on social security.

**73. Adopt effective measures to improve conditions in prisons, reduce overcrowding and eliminate ill-treatment and forced labour of persons deprived of liberty (Cuba).**

The conditions in prisons in the Netherlands are satisfactory, and there is no overcrowding. It should be added, for the record, that prisoners are free to submit complaints. It is the responsibility of the Security and Justice Inspectorate to check whether prisoners are given an opportunity to submit complaints in practice. It does so by asking prisoners, in the course of its periodic prison inspections, whether they have been informed about the complaints procedure and whether they know of the existence of the supervisory committees that are in charge of handling complaints. In addition, the Inspectorate speaks to members of the supervisory committees and checks to see whether prisoners' complaints have been handled within the set time limit. It also checks to see whether the prison rules include information about the complaints procedure and whether this information is up to date.

There is no overcrowding in the Correctional Institution of Aruba (Instituto Correccional Nacional; ICN) either. Like any other individual, a prisoner who has been the victim of a violent

crime can report the matter to the police. A special procedure has been established to enable prisoners to contact the police to file reports of this nature. The prisoner can join any criminal proceedings that are initiated as an injured party. Prisoners are also entitled to complain to the Prison Supervisory Committee about any restrictions on or violations of their rights. In addition, they can ask the courts to rule on matters concerning their treatment or their rights.

In Curaçao the reconstruction plans contained in the 2010 master plan for the Curaçao Centre for Correction and Detention (“Sentro di Detenshon i Korekshon Kòrsou” or SDKK) include concrete improvements in many areas. Progress has been made in tackling the cell blocks’ defective sanitary facilities. The disciplinary unit has undergone reconstruction and will be ready for use by around the end of 2014 or beginning of 2015. In May 2014 a special improvement project called ‘Mehorashon’ (Papiamentu for improving/improvement) was launched, focusing on improving all areas of the prison. The European Committee for the Prevention of Torture and Inhuman Degrading Treatment or Punishment (CPT) of the Council of Europe recently visited the SDKK. There are also regular reports by a Commission established within the Kingdom of the Netherlands to monitor progress.

A substantial renovation programme is under way on St Maarten, designed to improve the material conditions of its Point Blanche prison. Construction work is still in progress. In the final quarter of 2014, two additional levels with 60 cells, accommodating 180 prisoners, will be added to the prison to solve its overcrowding problem. This project will be completed in 2015. In addition, the Youth Rehabilitation Centre, scheduled to open in October 2014, will make it possible to separate juveniles from adults.

As regards ill-treatment, all such practices are prohibited by law. Anyone who violates this prohibition is liable to dismissal and prosecution by the Public Prosecution Service. St Maarten has a supervisory committee at the prison to which prisoners can submit any complaints. It also has an independent council that monitors prisoners’ rights and living conditions. Prisoners are also entitled to apply to a court of law for a ruling on any case relating to their treatment and/or rights.

Please note that the Kingdom of the Netherlands in its recent follow-up report to the Committee against Torture of July 2014 (UN Doc CAT/C/NLD/CO/5-6/Add.1) supplied in-depth information

on the situation in prisons and measures taken to ensure prompt, impartial and effective investigations into allegations of torture and ill-treatment of persons deprived of their liberty.

**74. 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).**

The Netherlands has accepted this recommendation. The power to stop and search is strictly regulated in the Netherlands. The basic principle is that the Dutch police are not permitted to treat people differently on the basis of their ethnic background. Given the great importance that the government attaches to preventing racial profiling, selection mechanisms are discussed as part of the multi-year training course at the Dutch Police College, in briefings and in the training of senior personnel.

**75. 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).**

See under recommendation 18 above.

**76. 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).**

The Netherlands has accepted this recommendation. The actions enumerated in the Action Plan to Combat Child Abuse 2012-2016 'Children Safe' are proceeding on schedule. The mid-term review of this Action Plan will be published in November 2014. Every six months, the Task Force on Child Abuse and Sexual Abuse, which was set up partly to monitor the action plan's implementation, issues a report or 'Monitor' on the subject. In the Monitor for the spring of 2014, the Task Force drew attention to a gradual shift in the implementation of the actions, namely that the majority of policy work has now been completed, and the emphasis is shifting to implementation in the field. The efforts to eradicate sex tourism and child pornography are being pursued in a specific action programme, discussed in greater detail under recommendation 77 below.

**77. 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).**

The Netherlands has up-to-date legislation on combating the sexual abuse of children. It also has substantial resources dedicated to prosecuting those accused of child sex tourism. In 2012 the total number of personnel involved in investigations of child pornography increased from 75 to 150 FTE. The years 2011, 2012 and 2013 saw a steady increase in the number of arrests of child pornography suspects.

As regards measures adopted specifically to combat child sex tourism, the Netherlands has taken a number of measures designed to protect children over the past few years, in both the domestic and international contexts, targeting convicted sex offenders with Dutch nationality that travel abroad. The most important of these was the development and implementation of the Dutch action plan against child sex tourism in October 2013. This plan involves a wide array of measures aimed at erecting barriers to prevent Dutch nationals from abusing children abroad. The three pillars of this approach are prevention, prosecution, and cooperation with NGOs and the travel sector. One specific result of the close cooperation with NGOs and the travel sector is a child sex tourism awareness campaign warning Dutch tourists that the sexual abuse of children is a criminal offence, and advising people how to go about reporting suspicious situations. The dual aim of this campaign is improving the reliability of reports while continuing to draw the public's attention to the issue. In 2014 a special international awareness campaign aimed at those attending the World Cup in Brazil ('Don't Look Away') paved the way for further collaboration with other countries to organise a uniform and international awareness campaign.

Other measures in the national action plan include the creation of a certificate of good conduct, the possibility of revoking the passport of a convicted child sex offender who is assessed as posing a high risk of reoffending, and close cooperation between the police and NGOs during certain parts of a criminal investigation.

**78. 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).**

Various measures are being taken to sensitise public officials, social workers and other key



actors to possible signs of the sexual exploitation of children, and such professionals are being trained in effective ways of combating it. Child victims of sexual exploitation are treated with the utmost care. Statements are taken in a child-friendly environment by specially certified investigators. Law enforcement officials also need special qualifications to take statements from victims of human trafficking. The Public Prosecution Service's guidelines on human trafficking further stipulate that the public prosecutor can object to a minor victim being questioned in court.

The new Youth Act makes municipal authorities responsible for all forms of assistance to young people and for implementing child protection measures and juvenile probation. This responsibility also includes providing for measures to prevent child abuse. As mentioned under recommendation 39 above, the Act imposes on municipal authorities an obligation to establish (at the supra-local level) joint Domestic Violence and Child Abuse and Neglect Advice and Support Centres. Quality safeguards that are important to the efforts to combat child abuse will be built into the legislation providing for decentralisation. Criminal-law measures to combat child abuse are being tightened up. In addition, the government is stepping up the care and protection provided for victims, and tightening up the supervision of convicted sex offenders to prevent them from reoffending.

**79. Adopt practical measures to ensure absolute prohibition of violence against women and cruel treatment of children (Uzbekistan).**

See under recommendations 39, 76, 77 and 78 above.

**80. 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).**

The Netherlands has accepted this recommendation. Combating human trafficking is one of the government's priorities. The legal framework has been addressed under recommendation 17 above. The government has set the goal of doubling the number of criminal organisations tackled between 2009 and 2014. The training of relevant professionals in areas related to human trafficking is important in this respect. This is reflected in the many organisations that receive training related to trafficking in human beings (THB). The police, the Royal Netherlands Marechaussee (responsible for border controls), the Public Prosecution Service, the Labour Inspectorate, the Custodial Institutions Agency (DJI), municipalities and the Immigration and

Naturalisation Service (IND) are among the organisations that provide training on trafficking in human beings (THB) to their staff.

The Netherlands is currently developing a National Referral Mechanism for victims of human trafficking. The project is aimed at all victims of THB (Dutch, EU and non-EU; underage and adult; male and female, and so on). The aim is to offer victims assistance that corresponds to their needs. The Netherlands already offers several types of shelter for different kinds of victims and many different types of services with a view to providing tailor-made assistance. Still, these shelters and services have been set up over many years and could benefit from more coherence in certain areas. Streamlining and laying down procedures and guidelines that are clear for all parties involved, improving cooperation between the different stakeholders and exposing problems are therefore among the goals pursued in this project.

The second mandate of the Task Force on Human Trafficking expired at the beginning of 2014 and the Task Force has since been granted a third mandate by the Minister of Security and Justice. It has drafted an agenda for its work during this third period.

**81. Adopt immediate measures, including reviewing legislation and developing comprehensive strategies to eradicate trafficking in children, sexual exploitation and involvement of adolescents in prostitution (Belarus).**

See under recommendations 17, 76, 77, 78 and 80 above.

**82. 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).**

The Netherlands has accepted this recommendation. See under recommendation 39 above.

**83. 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).**

The Netherlands has accepted this recommendation. See under recommendations 77 and 78 above.

**84. Seek alternative solutions to deprivation of liberty for minors in particular in order to**

**avoid pre-trial detention of minors, while awaiting judgement (France).**

The Netherlands has accepted this recommendation. Alternatives to the detention of minors are available, such as house arrest. In response to a report issued by Defence for Children in 2011, the Minister of Security and Justice has stipulated that minors should not be held longer than strictly necessary in a police cell complex. The principle that deprivation of liberty for minors is a last resort is embodied inter alia in article 493 of the Code of Criminal Procedure, which provides, specifically in relation to juveniles, that the court must assess *ex proprio motu* whether a juvenile's pre-trial detention can be suspended. Article 37 (b) of the United Nations Convention on the Rights of the Child is complied with fully. In all cases, a suspension of pre-trial detention is accompanied by compulsory supervision by the youth probation service. Conditions – for instance restraining orders and training obligations – may also be attached to any such suspension.

**85. 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 Great Britain and Northern Ireland).**

The Netherlands recognises every individual's right of access to the courts, both within and beyond the scope of the relevant treaty provisions. If the levying of court fees prescribed by law makes it impossible or extremely difficult for a potential litigant to have recourse to a legal remedy provided for by law, the courts have the power to withhold a ruling of inadmissibility. In civil law matters, this possibility is derived from the hardship clauses provided for by statute. In administrative law its basis lies in the case law of the Administrative Jurisdiction Division of the Council of State<sup>6</sup> and the tax division of the Supreme Court.<sup>7</sup>

**86. Enact laws and legislation on freedom of expression in line with both articles 19 and 20 of the ICCPR (Egypt).**

Dutch law on freedom of expression is in accordance with all applicable human rights standards. When new laws are enacted, they meet these standards as well. Also see para. 120 of the national report of 2012.

**87. Step up its efforts to comprehensively address this trend (the trend that political and public figures including media made discriminatory and discriminatory speech against**

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<sup>6</sup> ECLI:NL:RVS:2013:BZ4443, 6 March 2013.

<sup>7</sup> ECLI:NL:HR:2014:699, 28 March 2014.

**Muslims), not only from the freedom of expression perspective but also from socio-cultural point of view (Indonesia);**

**88. Ensure that the freedom of expression, press freedom and internet freedom will not result in racism, intolerance and hatred against minority groups (Malaysia).**

See under recommendations 36 and 38 above. With regard to manifestations of racism in political speech, see also paras. 50-54 and 120 of the national report of 2012. The right to freedom of expression is limited where it encroaches on the freedoms of others. Most statutory restrictions limiting the right to freedom of expression are laid down in the Criminal Code. Freedom of expression does not protect utterances that are insulting, incite hatred or discrimination or propagate violence.

**89. Promote more equal representation of men and women in top positions (Norway).**

The Netherlands has accepted this recommendation. The developments that have taken place since 2012 are outlined in the response to recommendation 31.

**90. Adopt measures to criminalize incitement to hatred and imminent violence based on religion or belief (Pakistan).**

See under recommendations 36 and 38 above as well as paras. 50-54 and 120 of the national report of 2012.

**91. Adopt legal provisions for reduced working hours, additional paid holidays or another form of compensation in dangerous and unhealthy occupations (Poland).**

The Netherlands has adopted legal provisions that require employers to take measures to protect their employees. The Netherlands does not consider it necessary to take additional measures.

**92. 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).**

The Netherlands has accepted this recommendation. In 2014, an action programme with 44 specific policy measures to prevent discrimination on the Dutch labour market was adopted by the Dutch Parliament. The unequal treatment of women is one of the subjects addressed in this programme.

In Curaçao, 41% of the working population consists of full-timers who are single mothers with young children, according to figures by the Central Bureau of Statistics. The National Coalition for Quality Employment has drawn up a list of points that need to be addressed immediately to facilitate equal access to the labour market: improving transport links between home and work for night shift workers, and affordable, good quality childcare. The ministries involved and employer organisations have signed a Memorandum of Understanding (MoU) to put measures into effect.

**93. Implement measures to decrease the wage gap between men and women (Norway);**

**94. Pursue an active and strict policy to end unfair pay differences between men and women especially in Government organizations (Greece);**

**95. Ensure that women enjoy equal access to the labour market and equal pay for work of equal value (Slovenia).**

The government is committed to ensuring equal pay for equal work. The action programme to prevent discrimination on the labour market, referred to under recommendation 92 above, also addresses the unequal treatment of women in the labour process.

The government has instructed the agency Statistics Netherlands to conduct a new version of its earlier study 'Equal pay for equal work' (2012). This study showed a gender pay gap, adjusted for certain objective factors of 7% for public authorities and 8% for industry. It also emerged from this study that among the younger generation (i.e. age 23 to 35) working for public authorities, the gender pay gap favours women by 0.7%. This can be explained in part by the fact that these women tend to be more highly educated than the male employees. Another study is to be carried out that will focus on differences in fringe benefits and the Netherlands Institute for Human Rights is to conduct a study on equal pay *inter alia* in institutions of higher professional education.

**96. 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);**

**97. 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).**

For non-discrimination in the Netherlands, see under recommendations 38, 44 and 62 above. As to homelessness, it should be noted that the Netherlands adopted a Community Shelters Action Plan, aimed at gradually integrating all homeless people into a comprehensive system (including housing and care). By 2014, approximately 21.000 homeless people in the four biggest cities have benefited from a personalised plan which includes shelter/housing, income and care. Many more have been given shelter in the country as a whole. The outcomes of the Community Shelters Action Plan are currently being evaluated in order learn from the results for future policy.

The principle of non-discrimination is enshrined in article 1 of the Constitution of Aruba. Aruba has 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 social cohesion by encouraging all residents to join together, without distinction, in taking an active role in the upkeep of their own neighbourhood.

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 objectives of Curaçao's national education policy are to ensure that all residents (irrespective of origin, gender, religion, socioeconomic status etc.) receive a general education that enables them to participate in society, the region and the wider world without compromising their cultural identity and that different forms and levels of education are available to adults in Curaçao. Research on gender differences has shown that education has the effect of promoting equal opportunities and the aim is therefore to work towards greater inclusion of boys in the education system.

With respect to equal rights in the areas of employment and health care, the maternity leave ordinance was amended in 2012 to bring it into line with international standards. The changes made include prohibitions on discrimination, on requesting job applicants to undergo pregnancy tests, on having pregnant and breastfeeding employees work at night or do standing work and on dismissing pregnant workers, as well as provisions on increased maternity leave and the right to paid breaks to allow employees to breastfeed and express milk for their babies. In 2010,

an amendment to the Civil Code was enacted, making it possible for parents to choose the surname of either the mother or the father for their child, bringing to an end discrimination against mothers in this respect.

For St Maarten the principle of equality and non-discrimination is laid down in article 16 of the Constitution. As regards 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 this Ordinance, which makes it obligatory for all children living in St Maarten to attend school from four to eighteen years of age. The ordinance has introduced a change for the better for undocumented children residing in St Maarten.

**98. Establish guidelines for training on human rights in primary and secondary education, with homogenous curricula in all the educational centres (Spain).**

Since 2006, schools have been required to include citizenship lessons in the curriculum, and the education inspectorate monitors the implementation of this requirement. In December 2013 the Government once again underscored, in a policy letter to Parliament, that human rights feature prominently in these lessons. In the wide-ranging study of the content of education to be conducted in the immediate future, consideration will be given to the question of whether any further embedding of human rights education in school curricula is necessary or desirable.

In Aruba, Curaçao and St Maarten too, human rights are covered in subjects such as 'mankind and society' in both primary and secondary schools.

**99. 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).**

Every child of school age, regardless of legal status, is required to attend school. See also Chapter XII of the national report of 2012 for more details. As to human rights education, see under recommendation 98 above.

**100. 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.**

The Netherlands is a plural society. The right to freedom of religion is enshrined in the Dutch constitution. As to integration measures, see under recommendation 62 above. Further information was provided in Chapters VII and VIII of the national report of 2012.

**101. Consider reinstating the Turkish mother tongue lessons as part of the primary and secondary school curricula (Turkey).**

The Netherlands did not accept this recommendation. Priority is given in the Netherlands to education in the Dutch language. See also the national report of 2012, Chapter VIII.

**102. 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).**

See under recommendation 3 above.

**103. Study the possibility to establish new measures aimed at eliminating any discriminatory treatment towards ethnic minorities (Argentina).**

The Netherlands accepted this recommendation. See under recommendations 38 and 44 above.

**104. Develop a migration policy, taking into account the international human rights standards in this respect (Guatemala).**

The Netherlands has accepted this recommendation. The migration policy the Netherlands has developed is in accordance with international human rights. Enforcement methods are aimed at ensuring fast and accurate procedures. When migrants come to the Netherlands, the government's task is to take due account of the interests of individual asylum seekers and other aliens (in terms of their human rights) while weighing their individual interests against compelling public interests. Article 3 of the European Convention on Human Rights (ECHR) prohibits the expulsion of an alien if there is a real risk of torture or inhuman treatment in the region to which he would be expelled. This ban on refoulement has been incorporated into Dutch immigration law.

The Netherlands made a careful assessment of the various interests at stake in shaping its asylum procedure. On the one hand, it is important to ensure a rapid procedure, and on the other hand, it is important that each alien has a good opportunity to present his or her case.



Enabling conditions and safeguards have therefore been created.

**105. Promote substantive reforms in the immigration policy, which guarantee its conformity with international standards, revoking measures exposing foreigners to marginalization (Mexico).**

See under recommendation 104 above. In addition, it should be noted that the supervision of asylum seekers by the Central Agency for the Reception of Asylum Seekers (COA) is geared towards building a relationship of trust with them and helping them to develop a realistic view of their future prospects. Legal counsel/advisors and representatives of the UNHCR and other recognised NGOs have access to the reception centres, so as to be able to assist asylum seekers. Under the terms of the Foreign Nationals (Employment) Act, adult asylum seekers can work, under certain conditions, for employers who possess employment permits for them. Adult asylum seekers who are lawfully resident in the Netherlands can also enrol in government-funded education courses.

Asylum seekers whose applications for asylum have been rejected are given 28 days to arrange their departure from the Netherlands. During this four-week period they can carry on using the reception facilities. Once this statutory time limit has expired, those concerned are no longer entitled to access reception facilities. However, if they are willing to cooperate with the Repatriation and Departure Service to organise their return to their home country, they will continue to be housed in restrictive accommodation.

Minors who are either in the Netherlands illegally, or who are rejected asylum seekers and who live with their family, are offered shelter in a family accommodation centre, if necessary to prevent a humanitarian emergency. These families are given shelter until they depart for their country of origin or until every child in the family has reached the age of majority.

Essential medical treatment is available for all, including illegal aliens. All minors are entitled to education, regardless of their legal status.

**106. 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).**

The Netherlands did not accept this recommendation. No one is ever placed in aliens detention

because he or she belongs to a minority or wishes to apply for asylum. Under Dutch policy, rejected asylum seekers and undocumented aliens may be detained on grounds of public policy or national security with a view to arranging their repatriation. Detention may only be used as a last resort when (assisted) voluntary return has failed, and may not last longer than strictly necessary to arrange the return of the person concerned. The possibility of adopting some less stringent instrument is always considered first. For this purpose, alternative measures to detention are embedded in Dutch policy. Further alternative measures have been implemented as announced by the State Secretary for Security and Justice on 13 September 2013. Based on the individual circumstances of the case, these alternative measures to detention are available to aliens who are willing to actively cooperate with their repatriation. The maximum period during which undocumented aliens may be detained in the Netherlands is six months, which may be extended to eighteen months in special circumstances, in line with the EU Return Directive. The government wishes to make it clear that aliens detention is a measure adopted under administrative law and not a punitive sanction.

If asylum seekers arriving at Schiphol Airport are refused entry to the Netherlands, they are detained for this reason. Unaccompanied minors are never detained on these grounds, but are instead sent to an open reception centre. When an adult arrives at Schiphol with a child, the officials investigate the family ties between them and check whether any child smuggling or trafficking in human beings is involved. If there are family ties between those concerned, and no public policy or national security considerations present themselves, the family is placed in an open asylum seekers centre. If there are no family ties, the child is placed in a care facility and the adult is placed in border detention. If further investigation is deemed necessary, or there are indications that public policy or national security considerations may be at stake, the family is placed in a special secure family accommodation centre, where they are not confined to cells and where the interests of the child are taken into account as much as possible.

Asylum seekers are released from detention as soon as possible, with most being sent to open reception centres. Families with minor children may not be detained for more than eight days. Others may be detained for more than eight days (the duration of the asylum procedure) if there are grounds for further investigation. These grounds are confined to fraud, the abuse of asylum procedures, the applicability of article 1F of the Geneva Convention on Refugees, and the existence of a significant risk of a Dublin claimant evading supervision.

**107. Review migration policies that exist in the country with a view to ensure the full application of international standards. (Paraguay)**

See under recommendations 104 and 105 above.

**108. Introduce measures to reduce detention of individuals solely for immigration purposes and consider other alternatives than detention to use when possible (Sweden).**

The Netherlands has accepted this recommendation. See also under recommendation 106 above. Alternative measures to detention under Dutch policy include the confiscation of travel documents and the imposition of an obligation to report to the authorities. Further alternative measures to detention were implemented in 2013 following pilot projects in this area. Four pilot schemes were launched to explore alternatives to aliens detention in 2012: (a) The imposition of an obligation to report to the authorities combined with assistance in the repatriation process by the Repatriation and Departure Service; (b) the collection of a guarantee in the form of the payment of a deposit; (c) restrictive accommodation for certain groups of unaccompanied alien minors; and (d) the co-financing of return projects run by non-governmental organisations. By letter of 13 September 2013, the State Secretary for Security and Justice informed the House of Representatives of the positive results of these pilot projects. In response, the State Secretary for Security and Justice decided to incorporate these alternative measures into Dutch policy. Based on the individual circumstances of the case, alternative measures to detention are available to all aliens who actively cooperate in their repatriation.

In each individual case, it is considered whether a less coercive measure can be adopted in relation to an alien who has failed to leave the Netherlands of his own accord. The various measures that exist are proportional and effective for different groups of aliens. Vulnerability receives special attention when considering which measure to adopt.

**109. Enact public programs to improve integration of Muslim and other immigrants into Dutch society, and build bridges between communities (United States of America).**

Integration is regarded as a process in which the migrant and the receiving society each have a role to play. It is primarily the migrant's responsibility to take an active part in society. That said, migrants deserve to be given equal access to institutional facilities and equal opportunities to means of advancement such as the labour market. To safeguard equal access to the labour market, a package of 44 policy measures was introduced in 2014. See also under

recommendations 44 and 62 above. Further information was provided in Chapters VII and VIII of the national report of 2012.

**110. Protect the social and cultural rights of migrants while taking integration measures and policies aimed at migrants (Bangladesh).**

See under recommendation 62 above.

**111. In coordination with OHCHR, 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).**

See under recommendations 38, 104 and 105 above.

**112. Due to the criminalization of irregular residency in the country, design alternatives for the detention of irregular or undocumented immigrants (Brazil).**

Irregular residence in the Netherlands is not a criminal offence. A draft law that would have made irregular residence a criminal offence was withdrawn by the State Secretary for Security and Justice on 14 May 2014. Nonetheless, illegal aliens are required to leave, in accordance with the Return Directive 2008/115 EC. If an illegal alien fails to return voluntarily, detention may be used as a last resort, depending on the individual circumstances of the case, in order to force compliance with return. See also under recommendations 106 and 108 above.

**113. 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).**

The detention of aliens is confined to cases in which detention is an absolute necessity and no other measure can be effectively applied. Particularly in the case of alien families with minor children and unaccompanied minor foreign nationals, detention is seen as a last resort. In 2013, the policy on detention was changed. Families with minor children are no longer placed in detention unless the parents have previously evaded supervision. If detention is imposed in such cases, the reasons for this decision must be given and the period of detention may not exceed fourteen days.

Children are not separated from their parents in such facilities, unless one of the parents is placed in detention as a last resort. In exceptional cases, one of the parents, usually the father,

may be placed in detention. This decision is subject to judicial review. This measure is applied only when strictly necessary and when no other measure is available. The other parent and children have visiting rights during this period of detention.

In 2015, a new facility is to be opened to house alien families involved in a closed asylum procedure. The accommodation will take the form of cabins, the interior of which does not resemble a detention facility. The new construction will make it easier for families to continue their family life than in a traditional detention facility.

In 2011 further changes were made to the policy of placing unaccompanied alien minors in aliens detention. The essence of this new policy is that the utmost restraint is exercised in placing unaccompanied alien minors in aliens detention. Detention may be imposed only in the most exceptional cases and for the shortest possible duration. See also under recommendations 106 and 108 above.

**114. Improve the conditions of migrants detention centres, especially with regard to the medical and psychological attention, as well as contact with the outside (Ecuador).**

The Netherlands has accepted this recommendation. All persons placed in detention have access to essential medical care. This care is provided in accordance with professional standards that are comparable to the care provided within Dutch society. The Health Care Inspectorate reached the same conclusion.

All aliens receive a medical intake assessment within 24 hours of their arrival. The responsibility for deciding what care is essential and what can be deferred lies with the physician. Each detention centre has the following professionals: a physician, nurses (every day until 22.00) and psychologists. A psychiatrist holds surgeries and takes part in the regular multidisciplinary meetings.

The Return and Aliens Detention Bill will embed both the regime in detention centres and the care provided there in administrative law. The new legislation also lays down the alien's right to receive visitors and the scope for NGOs to visit aliens who are being held in detention facilities.

**115. 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).**

As noted in the national report of 2012, the Netherlands does not have a fast-track procedure for asylum applications, not even for vulnerable groups. The eight-day period applied in the General Asylum Procedure applies in principle to everyone. If it proves impossible to arrive at a carefully considered decision within these eight days, the applicant may be referred to the Extended Asylum Procedure.

Asylum seekers must be provided with clear information as early as possible in the procedure, enabling them to form an accurate picture of their prospects. Where a child is not entitled to asylum, priority is accorded to reuniting him or her with relatives in the country of origin.

Refugees who have been accepted as such can make use of a specific policy on family reunification for refugees. Normal conditions for family reunification are eased to facilitate reunification in the Netherlands. Certain restrictions, such as means testing, do not apply in these cases. Children receive special attention, taking into account, in particular, Article 3 (1) of the Convention on the Rights of the Child.

**116. Ensure increased transparency and oversight exercised by civil society of the conditions, in which asylum seekers are kept and treated (Russian Federation).**

The Netherlands did not accept this recommendation. Dutch asylum procedure and reception centres are open to oversight by civil society. The Dutch Refugee Council has representatives at reception centres who assist asylum seekers and advise them on any issues or problems that may arise. Other NGOs (such as those specifically concerned with minor asylum seekers) visit the reception centres at regular intervals. During the asylum procedure the Dutch Refugee Council is responsible for giving asylum seekers information on the procedure. They are also allowed, if the asylum seekers give permission, to be present during the interviews.

**117. 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 Great Britain and Northern Ireland).**

Dutch aliens policy and practice take into account the vulnerable position of minors, especially unaccompanied minors. The best interests of the child are incorporated into policy and practice. Specific measures are taken to safeguard children's interests. Children are interviewed by

specially-trained officials, young children are interviewed in special child-friendly offices, and specific asylum policies are in place for child soldiers and potential victims of female genital mutilation. Since long delays and uncertainty are seen as undesirable, there is a constant focus on swift decision-making. See also under recommendation 115 above.

**118. 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).**

The Netherlands did not accept this recommendation. Complaints about the excessive use of restraints during forced return and other complaints about personnel carrying out forced returns can be submitted, after a complaint has first been made to the relevant government body, to the National Ombudsman, an independent High Council of State who can investigate complaints. No recent cases are known of investigations in which it was concluded that personnel responsible for carrying out the task of forced return had made excessive use of restraints. The Security and Justice Inspectorate is in charge of ensuring that deportees are given an opportunity to complain to the relevant government body if they wish to do so. See also para. 107 of the national report of 2012 for more information.

**119. Contribute effectively in the operationalization of the right to development at the international level (Pakistan).**

The Netherlands is not in favour of a legally binding international instrument on the right to development. The responsibility to create an enabling environment cannot be expressed in terms of binding obligations. Moreover, a legally binding instrument is not an appropriate way of translating the right to development from a political commitment into a development practice. The Netherlands greatly appreciates the work that has been done by the high-level task force on the right to development, and considers that it provides a useful basis for further work on putting the right to development into practice.