

INTRODUCTION

The Associazione Comunità Papa Giovanni XXIII (APG23) is a catholic international association founded in Italy. The Community is now present in thirty-six countries of the five continents. The Association has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC). It has been present in the Netherlands since 2006. The information and data provided in this document is sourced from APG23's members and volunteers in the Netherlands and as a result of the projects that APG23 is carrying out: face-to-face interviews with stakeholders, monitoring activities, and public documents and research materials.¹

1. THE RIGHT TO LIFE

FOCUS ON: PART III Article 6 International Covenant on Civil and Political Rights

APG23 is a partner of "One of Us". This is a European Citizens' Initiative launched by a group of citizens from some countries of the European Union to push Institutions to guarantee the protection of human beings from their conception². In The Netherlands, euthanasia and physician-assisted suicide were legalized on April 1, 2002 by the Termination of Life on Request and Assisted Suicide (Review Procedures) Act for Dutch citizens over 12 years old.³ On Oct. 16, 2020, the Dutch Health Minister, Hugo de Jonge, announced plans to extend legal physician-assisted treatment to terminally ill children between the ages of one and 12 years old. It is undeniable that the incidence of euthanasia in The Netherlands is high and rising year by year. In the Dutch system, there are commissions which are responsible for monitoring the application of the law on euthanasia, but their effectiveness is widely questioned.⁴ Investigations of possible abuse are known in the Netherlands⁵ and come from various sources. By reading the reports of control commissions, it is possible to see that they sometimes validate cases of euthanasia that are at the limit of legality, or even beyond the provisions of the law. According to the third five-year report on the evaluation of the Dutch law (2012-2016), "When a doctor has acted in a way that does not comply with the criteria of thoroughness but apparently in good faith, the commission prefers to adopt an educational attitude towards him or her rather than to initiate proceedings"⁶. While international human rights treaties have not established a "right to die", many contain explicit protections of the right to life. Under international human rights law, the right to life creates both negative and positive obligations for States. In other words, States must not only refrain from taking actions that violate the right to life, but also act affirmatively to create conditions necessary to protect

¹In particular the "Hidden Poverty" project takes place mainly in Boxtel, where the APG23 reception structure is located, but it also expands to the villages on the outskirts of the city. Some activities take place in the nearby town of Hertogenbosch, where the partner association StichtingLoods has its headquarters; others in the municipality of Vught, Starting in 2013, the Associazione Comunità Papa Giovanni XXIII also began to deal with Sinti families settled in small nomadic camps located on the outskirts of Boxtel, Sint-Oedenrode, Son en Breugel and Best. where the "Misha de Vries" school is located. The project implementation areas are all located in the province of North Brabant, which has a population of approximately 2,513,700 inhabitants, constantly growing, and a high population density of 510 inhabitants/kmq.

² <https://oneofus.eu/about-us/> and for positions taken with respect to the Netherlands <https://oneofus.eu/completed-life-in-the-netherlands/>

³The Act states that physicians who perform the procedures will be exempt from criminal liability and set forth criteria for physicians to follow to legally euthanize or assist in the suicide of a patient. Under the law, new-borns may be euthanized if they are born with unbearable suffering, there is no alternate solution, and the parents, physician, and an independent physician agree to the procedure. Groningen Protocol, the criteria under which infants may be euthanized was written by Eduard Verhagen, MD, JD, in Sep. 2004.

⁴ This control is carried out a posteriori - that is, after the death of the person - and is based on the simple declaration made by the doctor who performed the euthanasia. It is futile to hope to protect the life of persons with a control carried out after their death.

⁵On the situation in the Netherlands, see: L'euthanasie aux Pays-Bas, Alliance Vita, November 24, 2017.

See in particular the report by Pierre Barnérias, "L'euthanasie, jusqu'ou ?" (2013)

https://eclj.org/euthanasia/french-institutions/euthanasie--le-contre-exemple-des-lois-belge-et-neerlandaise#_ftn10

See also <https://academic.oup.com/bmb/article/125/1/145/4850942> Death on demand? An analysis of physician-administered euthanasia in The Netherlands Robert Preston British Medical Bulletin, Volume 125, Issue 1, March 2018, Pages 145–155.

See also August 26th, 2016 a study by "SCEN" doctors (Steun in Consultancy bij Euthanasia in Nederland), maintains that many cases are practiced because the individual requesting euthanasia did not receive adequate care.

<https://www.theguardian.com/world/2019/jun/23/three-netherlands-euthanasia-cases-investigated>

<https://www.bbc.com/news/stories-45117163>

<https://www.bmj.com/company/newsroom/unexplained-7-fold-variation-in-euthanasia-rates-across-the-netherlands/>

See Research: Euthanasia in the Netherlands: a claims data cross-sectional study of geographical variation doi 10.1136/bmjspcare-2020-002573 Journal: BMJ Supportive & Palliative Care

⁶ <https://www.ieb-eib.org/ancien-site/pdf/20170704-derde-evaluatie-wtl.pdf>

that right.⁷ The Human Rights Committee (HRC), which monitors the implementation the International Covenant on Civil and Political Rights, already expressed similar concerns in its concluding observations to States that permit euthanasia.⁸ The Netherlands, “with 28 years of legal euthanasia, experiences large-scale unexplained geographical variation in the incidence of euthanasia. The unexplained part of the variation may include the possibility that part of the euthanasia practice may have to be understood in terms of underuse, overuse or misuse”⁹.

We recommend to:

1. *Investigate possible overuse and/or abuse of access to euthanasia with independent, accurate and sufficiently detailed data collections*
2. *Adopt legislative measures to better protect the right to life in particular of all categories of people more fragile and exposed to suffering*
3. *Development of the so-called palliative care*

FOCUS ON RECOMMENDATIONS 124 UP TO AB1126 and 131.140, 131.142¹⁰

APG23 is partner of the Right Way European project co-funded by the European Union.¹¹ The project includes literature review research and analyses of the frameworks and promising practices used in seven European countries (Belgium, France, Italy, Spain, Sweden, and the Netherlands). In the Netherlands, Local government officials are not ignorant of the prevalence of human trafficking. The prostitution industry has been legal in the Netherlands since 2000. Once it has been legalised, the demand for services increased. Human traffickers import international women to meet this demand. In addition to sexual exploitation, human trafficking also takes place in economic social areas where victims are subject to employment under deplorable conditions. More than 6,000 individuals fall victim to human trafficking each year in the Netherlands, with roughly two-thirds of cases involving coerced sexual exploitation. In 2018, the Dutch government implemented its new anti-trafficking plan. It focuses on identifying victims, strengthening communication between shareholders, encouraging governments to take anti-trafficking action at a local level and to improve the work done to prevent labour trafficking. In 2018, the European Group of Experts on Action against Trafficking in Human Beings (GRETA)¹² published a report¹³ making note that the trafficking situation in the Netherlands requires increased focus and, even though the Netherlands have made significant improvements in the battle against trafficking, more is needed. Since 2014, the European Parliament with the resolution of 26 February (2014) recognises that prostitution and forced prostitution can have an impact on violence against women in general, as research on sex buyers shows that men who buy sex have a degrading image of women and suggests to the competent national authorities, therefore, that the ban on the purchase of sexual services should be accompanied by a campaign to raise awareness among men. Furthermore, the UE Parliament had considered that one way of combating the trafficking of women and under-age females for sexual exploitation and improving gender equality is the model implemented in Sweden, Iceland and Norway (the so-called Nordic model).

⁷ Experts have debated whether the right to life could be interpreted as including a “right to end life.” However, the European Court of Human Rights (ECHR) – the only human rights court to have adjudicated this issue – held that the European Convention on Human Rights’ right to life “...cannot, without a distortion of language, be interpreted as conferring the diametrically opposite right, namely a right to die.” Nor does the right to life, according to the ECHR, “create a right to self-determination in the sense of conferring on an individual the entitlement to choose death rather than life.”

⁸ U.N. Human Rights Committee, Consideration of Reports Submitted by States Parties Under Article 40 of the Covenant, Concluding observations of the Human Rights Committee—NETHERLANDS ¶ 7, U.N. DOC. CCPR/C/NLD/CO/4 (Aug. 25, 2009)

⁹ See for others references: Euthanasia in the Netherlands: a claims data cross-sectional study of geographical variation <http://orcid.org/0000-0001-5919-4856A> Stef Groenewoud1, Femke Atsma1, Mina Arvin1, Gert P Westert1 and Theo A Boer2- and <https://www.frontiersin.org/articles/10.3389/fpsy.2020.622446/full#B45>

¹⁰ For the reference numbers of the recommendations in this report we refer to the document A/HRC/36/15-Human Rights Council -Thirty-sixth session- 11-29 September 2017-Agenda item 6- Universal periodic review

¹¹ <https://www.resettlement.eu/page/right-way-project-promoting-effective-integration-victims-trafficking#:~:text=Through%20the%20Right%20Way%20Project,experienced%20trafficking%20for%20sexual%20exploitation.>

¹² GRETA is responsible for monitoring the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Parties. <https://www.coe.int/en/web/anti-human-trafficking/greta>

¹³ <https://rm.coe.int/greta-2018-19-fgr-nld-en/16808e70ca>

We recommend to:

1. *At a country level, welcome the European Parliament's call in its resolution of 26 February 2014 on sexual exploitation and prostitution, and their consequences for gender equality (2013/2103(INI)) by adopting the so-called "Nordic" legal model and a legislation to end demand and legal prostitution houses.*

FOCUS ON: DISABILITY Recommendations 131.167 up to 131.170

APG23 is present in Boxtel with a family-home where people who need help (including people with disabilities) are welcomed and taken care of. Students with profound intellectual and multiple disabilities (PIMD) are not yet included in mainstream classrooms at public schools. This student population has the right to be included in mainstream schools (United Nations 2006) and their inclusion could lead to increased opportunities for social interaction with typically developing peers. Despite the obligations that follow from the CRC¹⁴ and the CRPD¹⁵ convention, inclusive education is not sufficiently achieved in the Netherlands. A project named 'To School Together' has been recently initiated in The Netherlands to promote the integration of students into public schools. Through the ratification of the CRPD convention in 2016, the Dutch state has taken on the obligation to draw up a strategy and a timeframe to shape inclusive education. It is imperative for the Dutch state to take steps towards inclusive education.

We recommend to:

1. *Design and implement a strategy with objectives and a timeline for the realisation of the right to inclusive education*
2. *Adapt the Dutch legislation on education with a clear definition and objectives regarding social inclusion.*
3. *Establish cooperation between education and other policy areas within law and policy regulations.*
4. *Involve children with disabilities in (drafting) policies.*
5. *Organise the funding system of education and care in such a way that inclusive education is promoted.*
6. *Monitor the implementation of inclusive education, develop frameworks in which the values of inclusive education are safeguarded and stimulated so every child can enjoy the right to inclusive education.*

FOCUS ON: HOMELESS AND RIGHT TO ADEQUATE HOUSING Recommendations 131.171 up to 131.174

The Netherlands has a serious housing crisis, with the Dutch government under severe pressure to build more affordable housing. Across the country, prices continue to rise and the housing market becomes more and more competitive, with many people having to overbid to buy their dream home. Additionally, the homeless population has grown by more than 70% in the past decade. Some social housing waiting lists in some cities can span up to 15 years. Major cities of the Netherlands have been facing an acute housing crisis marked by higher rents, skyrocketing property prices, evictions and homelessness. Various progressive groups in these cities have formed coalitions for housing rights and affordable and dignified living.¹⁶ The social inequality between renters and homeowners is still enormously increasing due to the disproportionate benefits that homeowners enjoy. As for the waiting time, to get a social housing it takes about 10/15 years. In recent years, housing construction production has halved. According to a research carried out by ABN AMRO, a Dutch credit institution, there are 330 thousand fewer houses than demand requires. The research specifies that it would take one million houses in the next ten years to fill the gap. In addition, a large number of

¹⁴ UN Convention on the Rights of the Child

¹⁵ UN Convention on the Rights of Persons with Disabilities

¹⁶ These include Woonstrijd in Groningen, Woonprotest in Amsterdam, Woonopstand in Rotterdam and Woonverzet in Hague. Major protests took place in Amsterdam on September 12, in Rotterdam on October 17, and in Hague on November 13 (2021).

social housing units have been put up for sale in the private sector and hundreds and thousands of houses have been demolished, thus increasing waiting lists across the country.

If on the one hand there is a shortage of houses and waiting times are long, on the other hand, the houses for sale in the Netherlands are only accessible to a few. According to a survey carried out by NVM, an association operating in the Dutch real estate sector, nowadays a house-property costs an average of 419 thousand euros, 19.3% more than the previous year. According to a survey also carried out by the Dutch bank, ABN AMRO, the price of houses in 2022 will increase by 12.5%, and by a further 5% in 2023.¹⁷ "Dutch government policies have created a dichotomy between tenants and homeowners" and "private sector rents have no controls" ¹⁸

We recommend to:

- 1. Adopt legislation to subtract housing sales from the profit motive of the private sector and discourage top-selling auctions that favour the richest*
- 2. Encourage family size in building square footage rather than small homes that discourage it*
- 3. Introduce legislative measures for a moratorium on evictions and rent increases.*
- 4. Adopt a public housing policy to guarantee decent housing for the indigent and homeless.*

FOCUS MIGRANTS Recommendations 131.180 up to 131.184

APG23, thanks to the work done by the White Helmets, has addressed many issues concerning human rights in the Netherlands. One in particular: "the working conditions of economic migrants". During the service in collaboration with two associations, the Stichting Loods, and the Straatpastoraat, APG23 was able to come across and experience this problem first hand, by working in contact with migrants¹⁹. Migrants, mainly employed in the agribusiness and meat industry, were encountered. This type of workforce consists mainly of people from Poland, Bulgaria, and Romania. Extenuating work shifts were observed, from 12 to 14 hours per day in addition to temporary contracts, low wages and very bad housing conditions; small lodgings, sometimes real shantytowns where usually 10/15 people live together.

We consider that the Flexibility and Security Act (1999) should be overcome. It generates a condition of precariousness at work. The agency labour contract is considered as a regular labour contract, but it has a very important criticality, in fact, it is divided into two phases: a first phase in which the contract can be terminated at any time, and the workers are paid for the hours they have worked; a second phase, in which the worker must be offered an open-ended contract of employment. This has allowed and allows employers to fire before the second phase is triggered. This is advantageous for the latter, who save on wages and fringe benefits, but it is also advantageous for the agencies, who in doing so, enter into more and more contracts. Conversely for the workers, who working under these conditions, constantly risk being laid off. In October 2021, research released by the International Institute of Social Studies in The Hague²⁰ showed that migrant workers, mainly coming from Eastern Europe, were living in degrading conditions, were not ensured proper compensation, and were housed illegally. Between a third and half of all workers in the agricultural sector are migrant workers at risk of exploitation. Government policies created in December 2019 were widely considered insufficient and have not properly regulated temporary employment agencies, which are often the cause of the problem. In 2018, the inspectorate managed to monitor just the 1 percent of companies.²¹

¹⁷ Information obtained through the availability of A. H., member of the organization (BPW). A. H. interview done on 3/12/2021: by APG23 _White Helmet Alessandro Federici

¹⁸ Interview with Bond Precaire Woonvormen Association on 3/12/2021: by APG23 _White Helmet Alessandro Federici

¹⁹ The most recent interviews conducted on 6/01/2022 and 12/01/2022, respectively: by APG23 _White Helmet Alessandro Federici

²⁰ <https://www.iss.nl/en/events/examining-labour-conditions-migrant-workers-dutch-agriculture-2020-10-08>

²¹ See <https://www.iss.nl/en/media/2020-07-are-agrifood-workers-only-exploited-southern-europe-20200715-report>

We recommend to:

1. *Adopt public control over the management of employment contracts entrusted to temporary agencies*
2. *Adopt greater protections in the event of dismissal or loss of employment.*
3. *Overcome the Flexibility and Security Act (1999) by providing more protective regulations for workers.*
4. *Enforce greater oversight by the Labour Inspectorate.*
5. *Guarantee medical insurance and official residence to migrant workers, even if temporarily present, so that they are not deprived of their fundamental rights.*

FOCUS ON: Recommendations 131.78

6. ROMA MINORITY

Starting in 2013, APG23 began to deal with Roma and Sinti families settled in small nomadic camps located on the outskirts of Boxtel, Sint-Oedenrode, Son en Breugel and Best. On August 25th, 2021, the CERD launched its concluding observations on the two last *Kingdom of the Netherlands*' reports regarding its fight against discriminations. The "social inclusion of Roma, Sinti and Travellers continues to lag behind", compared to that of other residents in municipalities, "with regards to employment, education and housing". In 2021, in Netherlands, a National Coordinator against Discrimination and Racism (NCDR) and a National committee against discrimination and racism will be established. We believe that it is important to ensure that the Roma population can in any case continue to live in nomadic camps and thus preserve their traditions and identity. Municipalities try to dismantle camps but pay little attention to the maintenance and modernisation of those that continue to exist. Many Roma and Sinti agree to move into conventional accommodation, but the help offered often does not respect their differences and unwittingly there is a risk of homologising and over-incorporating a different culture into the common way of life in the country. The camps are mostly located on the outskirts of large cities, in 'streets' where families gather in places that become semi-nomadic camps. These areas are totally isolated, it is very difficult to access public services and infrastructure; this contributes to the Roma's isolation from the rest of the world. Moreover, some municipalities have not yet implemented the 2018 policy framework for municipal traveller sites.

We recommend to:

1. *Providing for renovations and improvements of the places of stationing and residence of the Roma population*
2. *Full Implement the 2018 policy framework for municipal Roma, Sinti, and Travellers sites*
3. *Providing effective housing support for Roma, Sinti and Travellers with tools that respect their cultural identity*