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Compilation on the Netherlands

Report of the Office of the United Nations High Commissioner for Human Rights

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a compilation of the information contained in the reports of treaty bodies and special procedures and other relevant United Nations documents, presented in a summarized manner owing to word-limit constraints.

II. Scope of international obligations and cooperation with international human rights mechanisms and bodies^{1,2}

2. It was recommended that the Netherlands ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,³ the Optional Protocol to the Convention on the Rights of the Child on a communications procedure,⁴ the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights⁵ and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.⁶

3. The Committee on the Rights of the Child encouraged the Netherlands to consider withdrawing its reservations to articles 26, 37 (c) and 40 of the Convention on the Rights of the Child.⁷

4. In 2014, the Netherlands submitted its midterm report regarding the implementation of the recommendations made during the second cycle of the universal periodic review in 2012.⁸

5. In 2012, the United Nations High Commissioner for Human Rights carried out a mission to the Netherlands.⁹

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6. The Netherlands contributed financially to the Office of the United Nations High Commissioner for Human Rights (OHCHR) in 2012,¹⁰ 2013,¹¹ 2014,¹² 2015¹³ and 2016,¹⁴ including to the United Nations Voluntary Funds for the Implementation of the Universal Periodic Review and for the Victims of Torture and the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery.

III. National human rights framework¹⁵

7. The Committee against Torture noted the establishment in 2012 of the Netherlands Institute for Human Rights, which was independent from the Government.¹⁶

8. The Committee on Enforced Disappearances recommended that the Netherlands remove the restriction set out in section 7 (2) of the Netherlands Institute for Human Rights Act in order to ensure unrestricted access of the institute to all places of detention.¹⁷

9. The Committee against Torture noted that the Netherlands had designated six different bodies as the national preventive mechanism and recommended that it ensure the mechanism's financial and operational independence.¹⁸ In 2015, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment considered that more political support and a solid legal base were required to enable the national preventive mechanism to fully discharge its key mandate.¹⁹

10. The Committee on the Rights of the Child noted the adoption of several action plans on children's rights in the four countries of the Kingdom and the adoption of the Kingdom-wide Action Plan on Children's Rights, in 2014. It encouraged the Netherlands to ensure that those action plans were provided with sufficient resources and to establish effective mechanisms for monitoring and assessing the implementation of the plans and policies.²⁰

11. The Committee on the Elimination of Racial Discrimination welcomed the national action plans on human rights and on human rights and business.²¹

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

A. Cross-cutting issues

1. Equality and non-discrimination²²

12. With regard to the recommendation on strengthening actions to combat all forms of discrimination,²³ the Office of the United Nations High Commissioner for Refugees (UNHCR) reported on the steps taken to tackle discrimination, including easily accessible procedures for reporting incidents involving racism and new anti-hate campaigns.²⁴

13. The Working Group of Experts on People of African Descent stated that while the Municipal Anti-Discrimination Services Act facilitated the reporting of discrimination to an anti-discrimination service and the provision of professional support, if necessary, not all municipalities had an anti-discrimination policy and the available services were not sufficiently well known to the public. It also stated that the General Equal Treatment Act provided protection against racial discrimination, but did not protect against discrimination based on language and ethnic origin.²⁵

14. The Committee on the Elimination of Racial Discrimination was concerned that measures taken to effectively tackle the root causes of racial discrimination were

insufficient and that measures to raise awareness about stereotypes and prevent discrimination were inadequately implemented.²⁶

15. The Committee was also concerned about the increase in discrimination against members of Jewish and Muslim communities²⁷ and in discrimination faced by people of African descent.²⁸ The Working Group of Experts on People of African Descent stated that racism remained a problem for people of African descent.²⁹ The Committee was further concerned about reports that Roma, Sinti and Travellers were subjected to significant discrimination regarding access to employment, housing and health care.³⁰ It noted that there was a lack of ethnically disaggregated data in both the Netherlands and in Curaçao.³¹

16. The Committee was concerned about the relatively high unemployment rate among ethnic minorities and about frequent discrimination on the grounds of race, nationality and religion in recruitment and selection practices by employers and employment agencies.³²

17. The Committee was concerned about the prevalence of racist discourse in the media and the increase in racist statements and threats on the Internet.³³ The Working Group of Experts on People of African Descent made similar observations.³⁴ Both the Committee and the Working Group were concerned about incidents of racist and xenophobic speech emanating from a number of extremist political parties and politicians.³⁵

18. The Committee on the Elimination of Discrimination against Women was concerned that discriminatory stereotypes and hate speech were targeted at Muslim women, migrant women and asylum-seeking women.³⁶ The Committee on the Elimination of Racial Discrimination was concerned that women and girls from minority groups were subjected to intersectional discrimination on the basis of both ethnic origin and gender, that they were especially vulnerable to poverty and that they had particular difficulties in accessing employment, education and health care.³⁷ The Working Group of Experts on People of African Descent stated that women of African descent in the Netherlands suffered compounded discrimination based on racial or ethnic origin, skin colour, socioeconomic status, gender, religion and other status.³⁸

19. The Committee on the Elimination of Racial Discrimination was concerned that migrants faced continuing discrimination, particularly in the fields of employment, health care and housing, and about the increase in hostility towards refugees and asylum seekers among the population and the opposition to the opening of new reception centres.³⁹ The Working Group of Experts on People of African Descent was concerned that the economic crisis had heightened xenophobic and racist attitudes against migrant and refugee communities and that the media had played a role in exacerbating fears around housing and employment using migrants as scapegoats for the negative impact that the crisis had had on Dutch people. It stated that the association of irregular migration with criminality promoted the stigmatization of migrants and provoked a climate of xenophobia against them.⁴⁰

20. The Committee on the Rights of the Child was concerned that refugee children, asylum-seeking children, undocumented children, children belonging to ethnic minorities, children with disabilities, chronically ill children and lesbian, gay, bisexual, transgender and intersex children continued to face discrimination.⁴¹

21. The Committee on the Elimination of Racial Discrimination was concerned that racial profiling by the police continued and had reportedly produced feelings of mistrust among minority groups and discouraged them from seeking help. It was also concerned that stop-and-search powers were exercised by the police disproportionately with regard to members of minority groups, who were furthermore subjected to higher fines, incidents of harassment and, reportedly, racially biased police brutality.⁴²

22. The Working Group of Experts on People of African Descent stated that while there had been an increase in reports of racially motivated crimes and hate crimes, the number of prosecutions and convictions based on hate crimes was low.⁴³

23. The Working Group was alarmed at the difference in equality conditions between the Netherlands and Curaçao and recommended that programmes be put in place to bridge the gap between the standards in the same Kingdom.⁴⁴

2. Development, the environment, and business and human rights

24. The Committee on the Elimination of Racial Discrimination was concerned about the involvement of Netherlands businesses in extractive industries and palm oil and soy production abroad that caused adverse effects on the enjoyment of human rights and on the environment.⁴⁵ The Committee on the Rights of the Child expressed similar concerns⁴⁶ and recommended that the Netherlands, inter alia, establish a clear regulatory framework for the industries under its jurisdiction to ensure that their activities, both at home and abroad, did not negatively affect human rights or endanger environmental and other standards, and ensure effective implementation by companies of international and national environmental and health standards, effective monitoring of the implementation of those standards and appropriate sanctioning and provision of remedies when violations occurred.⁴⁷

B. Civil and political rights

1. Right to life, liberty and security of person⁴⁸

25. The Committee on the Rights of the Child remained concerned that euthanasia could be applied to patients under 18 years of age and was concerned about the insufficient transparency and oversight of the practice.⁴⁹

26. The Committee against Torture noted with concern reports of incidents of death in places of detention, some of which had allegedly been related to the excessive use of physical restraints such as isolation measures.⁵⁰

27. The Committee on the Elimination of Racial Discrimination was concerned about the disappearance from the large-scale reception facilities of a relatively high number of unaccompanied children who might have become victims of human trafficking.⁵¹

28. The Committee on Enforced Disappearances urged the Netherlands to investigate the disappearance of unaccompanied children from asylum reception centres and to search for and identify those children who might have been the victims of enforced disappearance.⁵²

29. The Committee recommended that, inter alia, the definition of enforced disappearance in the International Crimes Act be reviewed to ensure that it was fully compliant with the International Convention for the Protection of All Persons from Enforced Disappearance, and that the legislation be revised with a view to removing the possibility of imposing fines as a stand-alone penalty for the offence of enforced disappearance.⁵³

2. Administration of justice, including impunity, and the rule of law⁵⁴

30. The Committee against Torture recommended that the use of pretrial detention be reduced and used as a measure of last resort and that alternative measures to its use be considered.⁵⁵

31. The Committee recommended that criminal procedures and practice be reviewed with a view to guaranteeing to persons in police custody access to a lawyer from the

moment of deprivation of liberty and that the circumstances in which the right to legal assistance could be restricted to avoid arbitrary limitations of the access to a lawyer be defined in law.⁵⁶

32. The Committee recommended that detainees be sensitized about the possibility and procedure for filing a complaint of alleged torture and ill-treatment in detention facilities and that the Netherlands ensure that all allegations of misconduct by detention personnel were duly assessed and investigated.⁵⁷

3. Fundamental freedoms⁵⁸

33. The United Nations Educational, Scientific and Cultural Organization (UNESCO) noted that defamation was criminalized and recommended that it be decriminalized and placed within the civil code.⁵⁹

34. The Working Group of Experts on People of African Descent was concerned about the so-called Bosman Act, which was being discussed in the Dutch Parliament and which would require Dutch Antilleans from Curaçao, Aruba and Sint Maarten to apply for a residence permit from the Immigration and Naturalization Service to take up residence in the Netherlands. To qualify for the permit, applicants had to meet at least one of four criteria, namely, have a job; have enough money to support themselves; be admitted to a Dutch school; or have a close relative living in the Netherlands. An immediate impact of that would be the exclusion of Dutch Antilleans living in the Netherlands from Government assistance such as social security and social housing.⁶⁰

4. Prohibition of all forms of slavery⁶¹

35. The Committee on the Elimination of Discrimination against Women welcomed the increase in the prosecution of cases of human trafficking, which was partly owing to the use of specialized prosecutors and criminal investigators. However, it was concerned at the prevalence of trafficking of women and girls for sexual exploitation.⁶² The Committee against Torture recommended that the Netherlands, inter alia, prevent and promptly, thoroughly and impartially investigate, prosecute and punish human trafficking and provide adequate protection and means of redress to victims of trafficking.⁶³

5. Right to family life

36. The Committee on the Rights of the Child was concerned about the establishment of so-called “baby boxes” that allowed the anonymous abandonment of children and urged the Netherlands to end the baby box initiatives and, instead, to strengthen and promote alternatives in order to prevent unwanted pregnancies and child abandonment. It recommended introducing, as a measure of last resort, the possibility of confidential hospital births.⁶⁴

37. The Committee was concerned that the number of children placed in institutions remained high and about the shortage of suitable foster families and substitute family homes.⁶⁵

38. The Committee on Enforced Disappearances was concerned at information regarding cases of illegal adoption and encouraged the Netherlands to consider establishing specific procedures for the review and, where appropriate, annulment of adoptions or placements that originated in an enforced disappearance.⁶⁶

C. Economic, social and cultural rights

1. Right to an adequate standard of living⁶⁷

39. The Committee on the Rights of the Child was concerned about significant cutbacks in the budget that affected families and children living on minimum incomes, about the substantial increase in poverty among children, particularly children in single-parent families and children in welfare-dependant families and that only a few municipalities had adopted policies to tackle poverty among children in such families.⁶⁸

40. The Committee on the Elimination of Discrimination against Women noted with concern that women and children were at higher risk of poverty than men and that women accumulated lower pension benefits than men, which resulted in higher poverty rates among older women.⁶⁹

2. Right to health

41. The Committee on the Rights of the Child recommended that measures be taken to prevent infant mortality by providing effective and quality neonatal and other care services for infants.⁷⁰

42. The Committee was concerned about limited access to health-care services for children with low economic and/or social status and undocumented children.⁷¹

43. The Committee was also concerned that the number of teenage pregnancies, especially in the Caribbean part of the Kingdom, remained high.⁷² It recommended that a comprehensive sexual and reproductive health policy for adolescents be adopted and that sexual and reproductive health education be ensured as part of the mandatory school curriculum, with special focus on preventing early pregnancy and sexually transmitted infections.⁷³

3. Right to education⁷⁴

44. The Committee on the Rights of the Child was concerned about the significant number of children from lower socioeconomic backgrounds and single-parent families who dropped out from secondary school.⁷⁵

45. The Committee on the Elimination of Racial Discrimination was concerned about continuing disparities in educational achievement and school dropout rates between students from ethnic minority groups and students from the majority group.⁷⁶ The Working Group of Experts on People of African Descent noted that pupils from ethnic minority groups were disproportionately referred to special education, partly because of behavioural and psychological problems.⁷⁷

46. The Working Group and the Committee on the Elimination of Racial Discrimination were concerned about racist bullying in schools.⁷⁸ The Committee on the Rights of the Child recommended that bullying in schools be combated by effectively implementing legislation and policies in that regard.⁷⁹

47. The Working Group of Experts on People of African Descent was concerned by the absence of human rights education in the national curriculum.⁸⁰ UNESCO made similar observations.⁸¹

D. Rights of specific persons or groups

1. Women⁸²

48. The Committee on the Elimination of Discrimination against Women was concerned at the continued horizontal and vertical occupational segregation, with women concentrated in part-time work, predominantly owing to childcare responsibilities, and the persistent gender wage gap.⁸³ It called for the realization of substantive gender equality throughout the process of implementation of the 2030 Agenda for Sustainable Development.⁸⁴

49. The Committee was concerned at the high number of women who were victims of domestic violence. It recommended that the Netherlands, inter alia, ensure that prosecutors and police were properly trained to identify, investigate and prosecute cases of gender-based violence and revise its policy on domestic violence to replace the gender-neutral approach with a gender-sensitive approach.⁸⁵

50. The Committee commended the Netherlands for achieving at least 30 per cent representation of women in both houses of Parliament and at the ministerial level. However, it was concerned at the small number of women mayors, professors and senior diplomats.⁸⁶

2. Children⁸⁷

51. The Committee on the Rights of the Child was concerned about the increasing number of incidents related to child maltreatment, particularly neglect of children and domestic violence, and about sexual abuse of children in residential institutions and foster care, particularly abuse of children with mental-health conditions. It recommended that the Netherlands, inter alia, strengthen efforts to prevent violence, investigate all cases, prosecute alleged perpetrators, punish the convicted and adequately compensate and rehabilitate the victims.⁸⁸

52. The Committee recommended that national legislation address all forms of violence, explicitly prohibit corporal punishment in all settings and include measures to raise awareness about positive, non-violent and participatory forms of child-rearing throughout the Kingdom, particularly in Aruba and the Caribbean Netherlands.⁸⁹

53. The Committee was concerned about the large number of violations of child labour regulations with respect to working and rest time, hazardous work and the lack of sanctions against companies violating the regulations. It was also concerned that, despite the age limit of 15 years for employment, many children aged 12 were reportedly involved in the labour market.⁹⁰

54. The Committee noted the comprehensive action plan on the “issue of loverboys” (i.e., sexual and other exploitation of children) but was concerned about the deficiencies in identifying child victims of loverboys and trafficking. It recommended that the Netherlands ensure that such victims were provided with protection and rehabilitation by establishing effective inter-agency cooperation at both the domestic and international levels and that child victims of trafficking be entitled to a special residency scheme regardless of their cooperation in criminal proceedings.⁹¹

55. The Committee was concerned about the systematic detention of children in police custody and the high number of children held in pretrial detention for lengthy periods of time, the absence of specific protocols for juvenile suspects in police cells, where they were detained in the same cell blocks as adults, and the absence of legal aid to children below the age of 12 years interrogated by the police and to children suspected of committing minor offences.⁹²

56. The Committee noted the adoption of the new Adolescent Criminal Law in 2014, but was concerned that the law allowed for children 16 and 17 years of age to be prosecuted under the adult criminal law in cases where charges involved very grave offences and sent to serve their sentences in adult penitentiary institutions.⁹³

57. The Committee urged the Netherlands to amend the laws relating to the juvenile justice system to ensure that all children below the age of 18 years were treated under the juvenile justice laws, irrespective of the gravity of the charges brought against them, ensure that deprivation of liberty of any child below the age of 18 years was used as a measure of last resort only and for the shortest possible period of time, promote alternative measures to detention and, in cases where detention was unavoidable, ensure that the children were not detained together with adults and that detention conditions were compliant with international standards.⁹⁴

58. The Committee encouraged the Netherlands to raise the minimum age of voluntary recruitment in the military to 18 years⁹⁵ and recommended that it ensure explicit criminalization of recruitment of children under the age of 18 years by non-State armed groups.⁹⁶

59. The Committee was concerned about the high rate of suicide among adolescents and urged the Netherlands to provide children at risk with easy access to necessary psychological care.⁹⁷

3. Persons with disabilities⁹⁸

60. The Committee on the Rights of the Child urged the Netherlands to adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities, ensure sufficient places for all children with disabilities in the mainstream education system and provide access to inclusive education without delay.⁹⁹

61. The Committee against Torture was concerned at the high number of people with mental and psychosocial disabilities who were held in mental health institutions on an involuntary basis, often for a lengthy period of time, and the frequent use of solitary confinement, restraints and forced medication, which might amount to inhumane and degrading treatment. It was also concerned at the lack of focus on alternatives to hospitalization of persons with mental and psychosocial disabilities and of effective and impartial investigation of the excessive use of restrictive measures in mental health institutions.¹⁰⁰

4. Minorities

62. The Committee on the Elimination of Racial Discrimination recommended that the Netherlands establish an effective arrangement for dialogue with representatives of minority groups in order to be properly informed about their problems and needs, develop and implement, with their participation, policies and programmes to improve their situation and make such dialogue mandatory at the central level and at the level of the provinces and municipalities.¹⁰¹

63. The Committee recommended that specific measures be taken in favour of Roma, Sinti and Travellers, including by creating better opportunities in the labour market, combating discrimination in education and housing and tackling the problems faced by Roma regarding registration status and statelessness. The Committee also recommended that the Netherlands ensure that Travellers were provided with sufficient campsites so as to practise their traditions and preserve their cultural identity.¹⁰²

64. The Working Group of Experts on People of African Descent noted that poverty was the main challenge faced by people of African descent, compounded by wage gaps, high

unemployment, lack of political participation and lack of effective national institutions to change the situation.¹⁰³ It concluded that targeted policies and affirmative action policies should be adopted to promote effective equality of people of African descent and specifically address, among others, low access to quality education; high dropout rates and overrepresentation of African descendants in special classes; lack of sufficient political participation of people of African descent; lack of appropriate representation of people of African descent in public sector employment, especially in the judiciary, police, army and other branches of the civil service; lack of adequate reflection of the diversity of the Netherlands in the higher ranks of the civil service; and insufficient participation of people of African descent in the private labour market.¹⁰⁴ The Committee on the Elimination of Racial Discrimination made similar observations.¹⁰⁵

5. Migrants, refugees and asylum seekers¹⁰⁶

65. The Working Group of Experts on People of African Descent stated that irregular migrants were reportedly more likely to face discrimination, exclusion and abuse because of their vulnerable situation and they often worked in informal and exploitative conditions in which they could not seek protection. It stated that migrants could be detained without having committed a recognizably criminal offence.¹⁰⁷

66. The Committee on the Elimination of Racial Discrimination was concerned that undocumented migrants received assistance only if they cooperated in their own departure.¹⁰⁸ The Working Group of Experts on People of African Descent stated that it had heard allegations from migrants in irregular situations that they had been prevented from accessing adequate health care or renting suitable accommodation.¹⁰⁹

67. The Committee recommended that the Netherlands ensure that undocumented migrants were provided with food and shelter, as appropriate, in all circumstances prior to deportation, and that they were granted the right to obtain health care in all constituent parts of the country.¹¹⁰ In 2014, three Special Rapporteurs urged the Government to provide homeless irregular migrants with emergency assistance, such as food, clothing and shelter.¹¹¹ In 2016, the same Special Rapporteurs argued that the various forms of shelter provided to irregular migrants still failed to prevent them from becoming homeless. They continued to urge the Government to provide emergency assistance to homeless migrants in an irregular situation.¹¹²

68. UNHCR reported that the Netherlands had faced a significant increase in first-time asylum-seeking applications in 2014 and in 2015 and that the arrival of asylum seekers reunifying with family members had almost tripled in 2015 compared to 2014. It reported that the significant increase in the number of asylum seekers had resulted in a backlog in the processing of asylum claims so that asylum seekers had to wait six to eight months on average before they could present their asylum claims to the immigration authorities and another nine months before they could be reunited with their partner and their children.¹¹³

69. The Committee against Torture was concerned at reports that asylum seekers arriving at Schiphol airport, Amsterdam, were systematically detained for an average duration of 44 days for failure to comply with the necessary visa requirements.¹¹⁴ The Committee on the Elimination of Racial Discrimination was concerned about the lengthy immigration detention, poor living conditions in immigration detention centres and detainees being subjected to the same security measures and disciplinary punishments as convicted criminals.¹¹⁵ The Committee against Torture was particularly concerned about the reports it had received with regard to confinement in cells for 16 hours, the absence of daytime activities, the use of isolation cells and handcuffs and strip searches of aliens.¹¹⁶

70. The Committee against Torture urged the Netherlands to ensure that the detention of asylum seekers was used only as a last resort and, where necessary, for as short a period as

possible and without excessive restrictions, and to effectively establish and apply alternatives to detention for asylum seekers.¹¹⁷ The Committee recommended that the absolute time limit for the administrative detention of foreign nationals, including in the context of repeated detention, be scrupulously observed and that, wherever possible, the accumulation of administrative and penal detention in excess of the absolute time limit of 18 months for migrants under migration law be avoided.¹¹⁸

71. With regard to the recommendation¹¹⁹ from the previous cycle on reviewing asylum procedures with a view to expediting the decisions on child asylum seekers and facilitating family reunification of vulnerable children, UNHCR reported that a more lenient family reunification policy for adult children had been announced in 2015. However, owing to the increase in the number of asylum seekers, which had resulted in a backlog in processing asylum claims, it was unclear whether cases concerning unaccompanied children were processed in an expeditious manner. As a result of the prolonged waiting and processing time, unaccompanied minors who reached adulthood before receiving refugee status lost the right to family reunification.¹²⁰

72. UNHCR recommended that asylum requests from unaccompanied minors be dealt with efficiently and rapidly and that family reunification requests be processed in an expeditious manner.¹²¹ The Committee on the Rights of the Child recommended that the Netherlands avoid detaining children and families in reception centres with limited freedom of movement and ensure that their living standards were adequate.¹²²

73. The Committee on the Elimination of Racial Discrimination was concerned about domestic violence not being recognized as a ground for asylum and about reports of cases of refoulement of asylum seekers fearing persecution because of their sexual orientation.¹²³

74. The Committee against Torture urged the Netherlands to use restraints on foreign nationals during forced returns, only in accordance with the principle of proportionality and to investigate any incidents of excessive use of restraints and force during forced returns.¹²⁴

75. The Working Group of Experts on People of African Descent stated that migrants, asylum seekers and refugees faced barriers in accessing information about services, particularly concerning health, education and employment, and had limited access to health care and other protection systems.¹²⁵

76. UNHCR recommended that the Governments of the constituent countries of the Kingdom adopt comprehensive integration policies that protected the civil, political, social and cultural rights of recognized refugees.¹²⁶

6. Stateless persons

77. UNHCR noted a package of proposals to establish a statelessness determination procedure, amend the Nationality Act and abolish reservations to the 1954 Convention relating to the Status of Stateless Persons. It recommended that the Netherlands include in the proposed legislation a provision to grant a residence permit to persons recognized as stateless, so as to ensure their enjoyment of their basic rights under the 1954 Convention.¹²⁷

78. The Committee on the Rights of the Child welcomed the fact that the Netherlands was in the process of amending the Nationality Act in order to extend access to Dutch citizenship to stateless children born in the Netherlands without a legal residence permit. However, the proposed amendments did not extend that right to children whose parents did not cooperate with the authorities.¹²⁸ UNHCR recommended that the requirement that parents not obstruct their departure and not withdraw themselves from supervision by the authorities be deleted from the proposed amendments to the Act.¹²⁹

E. Specific regions or territories¹³⁰

79. In 2014, the Committee on Enforced Disappearances invited the Netherlands to accelerate the process for the extension of the ratification of the International Convention for the Protection of All Persons from Enforced Disappearance and the acceptance of the competence of the Committee under articles 31 and 32 of the Convention by Aruba, Curaçao and Sint Maarten.¹³¹

80. UNHCR recommended that Curaçao and Sint Maarten accede to the 1951 Convention relating to the Status of Refugees and its 1967 Protocol.¹³²

81. The Committee against Torture regretted that the mandate of the Netherlands Institute for Human Rights did not cover the autonomous territories of the Kingdom. While noting the commitment made by the Governments of Aruba and Curaçao in the context of the universal periodic review to establish similar but separate institutions, the Committee recommended that the separate national human rights institutions be established as a matter of priority.¹³³

82. The Committee on the Rights of the Child recommended that independent mechanisms for monitoring the realization of children's rights be established in Curaçao and Sint Maarten, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles).¹³⁴

83. The Working Group of Experts on People of African Descent noted that, despite being better educated than men, women had limited employment opportunities in Curaçao and their political participation was also limited.¹³⁵ The Committee on the Elimination of Discrimination against Women was concerned about the underrepresentation of women in political and public life and in high-level decision-making positions in Curaçao.¹³⁶

84. The Working Group stated that while the Dutch Caribbean had a predominant population of people of African descent, manifestations of racism and racial discrimination were prevalent.¹³⁷

85. Although the Curaçao Criminal Code made several acts of discrimination criminal offences, the Working Group was concerned that, owing to the lack of mechanisms and awareness, complaints and cases related to racial discrimination in Curaçao were largely underreported.¹³⁸ It recommended that an equality body and a network of local anti-discrimination services be established in Curaçao.¹³⁹

86. The Committee against Torture noted that no advocates were based in Sint Eustatius and Saba and that suspects held in police custody in Sint Eustatius often signed a waiver to have a lawyer present during the first police interrogation.¹⁴⁰ The Working Group of Experts on People of African Descent was concerned about the low number of native Curaçao lawyers and judges.¹⁴¹

87. The Committee against Torture expressed concern at the alleged incidents of illegal use of force, insults and mistreatment in the Koraal Specht prison in Curaçao and the cells in the police stations in Sint Maarten, Bonaire and Aruba, as well as at ethnic profiling by the police and border guards aimed particularly at foreigners and members of minorities.¹⁴²

88. The Working Group of Experts on People of African Descent found that there was a lack of basic services in the only prison in Curaçao, including the provision of water supplies for detainees.¹⁴³

89. The Committee against Torture was concerned at the length of pretrial detention in Aruba and Curaçao and recommended that the Governments of Aruba and Curaçao review their criminal legislation to further shorten the length of pretrial detention and guarantee suspects the right to be brought before a judge within one or two days of arrest.¹⁴⁴

90. The Committee was concerned about the lack of independent, impartial and effective investigations of inter-prisoner violence in Aruba and Curaçao.¹⁴⁵
91. The Committee on the Rights of the Child was concerned that children in the Caribbean part of the Kingdom did not enjoy the same rights as children in the European part.¹⁴⁶
92. The Committee was concerned about the absence of legal provisions expressly prohibiting corporal punishment of children in all settings in Aruba, and in the home, alternative care settings, day care and schools in the Caribbean Netherlands.¹⁴⁷
93. The Committee on the Elimination of Racial Discrimination noted with concern that children in Aruba and Curaçao were educated in Papiamentu and Papiamentu, respectively, only until the end of primary school.¹⁴⁸ The Working Group of Experts on People of African Descent made similar observations.¹⁴⁹ The Committee recommended that adequate recognition be given to mother tongues and that bilingual education be introduced in Aruba and Curaçao.¹⁵⁰
94. The Committee on the Elimination of Discrimination against Women was particularly concerned that abortion was illegal in Sint Maarten and that the Penal Code criminalized anyone who provided abortion-related information or services and that, in Curaçao, contraceptives were not covered by health insurance.¹⁵¹
95. The Committee on the Elimination of Racial Discrimination was concerned that access by undocumented migrants to basic health care was limited in Curaçao and in Aruba.¹⁵²
96. The Working Group of Experts on People of African Descent recommended that the Netherlands increase its financial support to Curaçao, including funds to combat racism and racial discrimination, that all legislative proposals that resulted in differential treatment to Dutch citizens from Aruba, Sint Maarten and Curaçao and affected their freedom of movement within the Kingdom be repealed and that the political participation of Curaçao in the international arena, particularly in areas where it was directly involved, be increased.¹⁵³
97. UNHCR stated that neither Curaçao nor Sint Maarten had in place legislation or regulations governing asylum and that there was no legislation to implement the 1967 Protocol to the 1951 Convention relating to the Status of Refugees in Aruba.¹⁵⁴
98. With regard to the recommendation from the previous cycle¹⁵⁵ to review migration policies to ensure the full application of international standards, UNHCR stated that there was a need to strengthen asylum procedures throughout the Dutch Caribbean and it recommended that Aruba, Curaçao and Sint Maarten develop and implement asylum legislation and procedures consistent with international standards.¹⁵⁶
99. The Working Group of Experts on People of African Descent observed that major oil refineries had caused environmental damage in Curaçao, including to local fishing, which was a main activity in Curaçao, and that the Government had not taken action to remedy the damages.¹⁵⁷
100. The Working Group was concerned about the lack of technical and financial assistance available to curb the damages resulting from environmental degradation in Curaçao.¹⁵⁸

Notes

- ¹ Tables containing information on the scope of international obligations and cooperation with international human rights mechanisms and bodies for the Netherlands will be available at www.ohchr.org/EN/HRBodies/UPR/Pages/NLSession27.aspx.
- ² For relevant recommendations, see A/HRC/21/15, paras. 98.1-98.16.
- ³ See CAT/C/NLD/CO/5-6, para. 32, CRC/C/NLD/CO/4, para. 64, CEDAW/C/NLD/CO/6, para. 50, and CERD/C/NLD/CO/19-21, para. 39.
- ⁴ See CRC/C/NLD/CO/4, para. 63, and CAT/C/NLD/CO/5-6, para. 32.
- ⁵ See CRC/C/NLD/CO/4, para. 64, and CAT/C/NLD/CO/5-6, para. 32.
- ⁶ See CAT/C/NLD/CO/5-6, para. 32.
- ⁷ See CRC/C/NLD/CO/4, para. 7.
- ⁸ See “Netherlands” at www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx.
- ⁹ OHCHR, “Impunity and the rule of law”, in *OHCHR Report 2012*, p. 42.
- ¹⁰ OHCHR, *OHCHR Report 2012*, “Funding”, pp. 117, 121 and 122; “Financial statements as at 31 December 2010”, pp. 138, 140, 141 and 144; and “Donor profiles”, p. 165.
- ¹¹ OHCHR, *OHCHR Report 2013*, “Funding”, pp. 131, 135 and 136; “Financial statements as at 31 December 2013”, pp. 153, 154, 156, 159 and 160; “Funds administered by OHCHR”, pp. 166, 168 and 169; and “Donor profiles”, p. 181.
- ¹² OHCHR, *OHCHR Report 2014*, “Funding”, pp. 63, 67 and 68; “Financial statements as at 31 December 2014”, pp. 86, 87, 89, 92 and 93; “Funds administered by OHCHR”, pp. 96, 99, 101, 102 and 103; and “Donor profiles”, p. 115.
- ¹³ OHCHR, *OHCHR Report 2015*, “Funding”, pp. 61, 65 and 66; “Financial statements as at 31 December 2015”, pp. 83, 84, 86, 88, 90 and 91; “Funds administered by OHCHR”, pp. 96, 97, 99 and 100; and “Donor profiles”, p. 112.
- ¹⁴ OHCHR, *OHCHR Report 2016* (forthcoming).
- ¹⁵ For relevant recommendations, see A/HRC/21/15, paras. 98.21, 98.25, 98.27, 98.30 and 98.76.
- ¹⁶ See CAT/C/NLD/CO/5-6, para. 29; also CRC/C/NLD/CO/4, para. 18, CED/C/NLD/CO/1, para. 24, and A/HRC/30/56/Add.1, para. 32.
- ¹⁷ See CED/C/NLD/CO/1, para. 25.
- ¹⁸ See CAT/C/NLD/CO/5-6, paras. 7 and 28; also CED/C/NLD/CO/1, para. 25.
- ¹⁹ See www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=16284&LangID=E.
- ²⁰ See CRC/C/NLD/CO/4, paras. 8-9.
- ²¹ See CERD/C/NLD/CO/19-21, para. 6.
- ²² For relevant recommendations, see A/HRC/21/15, paras. 98.34, 98.36, 98.38-98.50, 98.53-97.57, 98.59-98.68, 98.70, 98.74, 98.87-98.89, 98.92-98.93, 98.96 and 98.103.
- ²³ For the relevant recommendation, see A/HRC/21/15, para. 98.41.
- ²⁴ UNHCR submission for the universal periodic review of the Netherlands, p. 2.
- ²⁵ See A/HRC/30/56/Add.1, para. 27.
- ²⁶ See CERD/C/NLD/CO/19-21, para. 13 (a).
- ²⁷ *Ibid.*, para. 11.
- ²⁸ *Ibid.*, para. 15.
- ²⁹ See A/HRC/30/56/Add.1, para. 15.
- ³⁰ *Ibid.*, para. 19.
- ³¹ *Ibid.*, para. 49.
- ³² See CERD/C/NLD/CO/19-21, para. 23.
- ³³ *Ibid.*, para. 11.
- ³⁴ See A/HRC/30/56/Add.1, paras. 102 and 121.
- ³⁵ See CERD/C/NLD/CO/19-21, para. 11, and A/HRC/30/56/Add.1, para. 96.
- ³⁶ See CEDAW/C/NLD/CO/6, para. 21.
- ³⁷ See CERD/C/NLD/CO/19-21, para. 35.
- ³⁸ See A/HRC/30/56/Add.1, para. 88.
- ³⁹ See CERD/C/NLD/CO/19-21, paras. 21 and 33.
- ⁴⁰ See A/HRC/30/56/Add.1, paras. 92 and 100.
- ⁴¹ See CRC/C/NLD/CO/4, para. 24.

- ⁴² See CERD/C/NLD/CO/19-21, para. 13; also CAT/C/NLD/CO/5-6, para. 19, A/HRC/30/56/Add.1, paras. 76 and 116, and www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148615:NO.
- ⁴³ See A/HRC/30/56/Add.1, para. 97; also CERD/C/NLD/CO/19-21, para. 25.
- ⁴⁴ See A/HRC/30/56/Add.1, para. 124.
- ⁴⁵ See CERD/C/NLD/CO/19-21, para. 37.
- ⁴⁶ See CRC/C/NLD/CO/4, para. 22.
- ⁴⁷ *Ibid.*, para. 23; see also CERD/C/NLD/CO/19-21, para. 38.
- ⁴⁸ For relevant recommendations, see A/HRC/21/15, paras. 98.115 and 98.117.
- ⁴⁹ See CRC/C/NLD/CO/4, para. 28.
- ⁵⁰ See CAT/C/NLD/CO/5-6, para. 26.
- ⁵¹ See CERD/C/NLD/CO/19-21, para. 33 (c).
- ⁵² See CED/C/NLD/CO/1, paras. 36-37.
- ⁵³ *Ibid.*, paras. 15 and 17.
- ⁵⁴ For the relevant recommendation, see A/HRC/21/15, para. 98.73.
- ⁵⁵ See CAT/C/NLD/CO/5-6, para. 20.
- ⁵⁶ *Ibid.*, para. 10.
- ⁵⁷ *Ibid.*, para. 22.
- ⁵⁸ For the relevant recommendation, see A/HRC/21/15, para. 98.86.
- ⁵⁹ See UNESCO submission for the universal periodic review of the Netherlands, paras. 75 and 87.
- ⁶⁰ See A/HRC/30/56/Add.1, para. 29.
- ⁶¹ For the relevant recommendation, see A/HRC/21/15, para. 98.80.
- ⁶² See CEDAW/C/NLD/CO/6, para. 27.
- ⁶³ See CAT/C/NLD/CO/5-6, para. 25; also CEDAW/C/NLD/CO/6, para. 28.
- ⁶⁴ See CRC/C/NLD/CO/4, paras. 34-35.
- ⁶⁵ *Ibid.*, para. 38.
- ⁶⁶ See CED/C/NLD/CO/1, paras. 38-39.
- ⁶⁷ For relevant recommendations, see A/HRC/21/15, paras. 98.35 and 98.97.
- ⁶⁸ See CRC/C/NLD/CO/4, paras. 14 and 48.
- ⁶⁹ See CEDAW/C/NLD/CO/6, para. 39.
- ⁷⁰ See CRC/C/NLD/CO/4, para. 43 (a).
- ⁷¹ *Ibid.*, para. 42 (c)-(d).
- ⁷² *Ibid.*, para. 46.
- ⁷³ *Ibid.*, para. 47 (a). See also UNESCO submission, paras. 55 and 85.
- ⁷⁴ For relevant recommendations, see A/HRC/21/15, paras. 98.33 and 98.98-98.99.
- ⁷⁵ See CRC/C/NLD/CO/4, para. 50 (b).
- ⁷⁶ See CERD/C/NLD/CO/19-21, para. 31.
- ⁷⁷ See A/HRC/30/56/Add.1, para. 66.
- ⁷⁸ *Ibid.*, para. 65. See also CERD/C/NLD/CO/19-21, para. 13 (e).
- ⁷⁹ See CRC/C/NLD/CO/4, para. 51 (d); also UNESCO submission, para. 85.
- ⁸⁰ See A/HRC/30/56/Add.1, para. 64.
- ⁸¹ See UNESCO submission, para. 84.
- ⁸² For relevant recommendations, see A/HRC/21/15, paras. 98.71-98.72, 98.79, 98.82 and 98.93-98.95.
- ⁸³ See CEDAW/C/NLD/CO/6, para. 35. See also www.ilo.org/dyn/normlex/en/f?p=1000:13100:0::NO:13100:P13100_COMMENT_ID:3148612:NO.
- ⁸⁴ See CEDAW/C/NLD/CO/6, para. 48.
- ⁸⁵ *Ibid.*, paras. 23-24.
- ⁸⁶ *Ibid.*, para. 31.
- ⁸⁷ For relevant recommendations, see A/HRC/21/15, paras. 98.18, 98.75, 98.77-98.78 and 98.81-98.84.
- ⁸⁸ See CRC/C/NLD/CO/4, paras. 36-37.
- ⁸⁹ *Ibid.*, para. 37 (e).
- ⁹⁰ *Ibid.*, para. 54.
- ⁹¹ *Ibid.*, paras. 56-57.
- ⁹² *Ibid.*, para. 58.
- ⁹³ *Ibid.*
- ⁹⁴ *Ibid.*, para. 59 (a)-(b).

- ⁹⁵ See CRC/C/OPAC/NLD/CO/1, para. 11.
- ⁹⁶ Ibid., para. 15.
- ⁹⁷ See CRC/C/NLD/CO/4, paras. 44 (d) and 45 (d).
- ⁹⁸ For the relevant recommendation, see A/HRC/21/15, para. 98.102.
- ⁹⁹ See CRC/C/NLD/CO/4, para. 40, and UNESCO submission, para. 85.
- ¹⁰⁰ See CAT/C/NLD/CO/5-6, para. 21.
- ¹⁰¹ See CERD/C/NLD/CO/19-21, para. 28.
- ¹⁰² Ibid., para. 20.
- ¹⁰³ See A/HRC/30/56/Add.1, para. 53.
- ¹⁰⁴ Ibid., para. 112. See also paras. 56, 60, 69 and 70.
- ¹⁰⁵ See CERD/C/NLD/CO/19-21, paras. 15-16.
- ¹⁰⁶ For relevant recommendations, see A/HRC/21/15, paras. 98.19, 98.100, 98.106-98.108, 98.110, 98.112-98.115 and 98.117.
- ¹⁰⁷ See A/HRC/30/56/Add.1, para. 91.
- ¹⁰⁸ See CERD/C/NLD/CO/19-21, para. 21 (c).
- ¹⁰⁹ See A/HRC/30/56/Add.1, paras. 92.
- ¹¹⁰ See CERD/C/NLD/CO/19-21, para. 22 (c).
- ¹¹¹ See www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15425&LangID=E; also www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15519&LangID=E and www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15849&LangID=E.
- ¹¹² A/HRC/32/53, p. 83 (case No. NLD 1/2016).
- ¹¹³ UNHCR submission, pp. 1, 3 and 5.
- ¹¹⁴ See CAT/C/NLD/CO/5-6, para. 14.
- ¹¹⁵ See CERD/C/NLD/CO/19-21, para. 33 (a).
- ¹¹⁶ See CAT/C/NLD/CO/5-6, para. 16; also CERD/C/NLD/CO/19-21, para. 33 (a).
- ¹¹⁷ See CAT/C/NLD/CO/5-6, para. 14; also CERD/C/NLD/CO/19-21, para. 34.
- ¹¹⁸ See CAT/C/NLD/CO/5-6, para. 15.
- ¹¹⁹ For the relevant recommendation, see A/HRC/21/15, para. 98.115.
- ¹²⁰ UNHCR submission, pp. 2-3.
- ¹²¹ UNHCR submission, p. 3.
- ¹²² See CRC/C/NLD/CO/4, para. 53 (d); also CAT/C/NLD/CO/5-6, para. 17.
- ¹²³ See CERD/C/NLD/CO/19-21, para. 33; also CAT/C/56/D/613/2014, paras. 8-10.
- ¹²⁴ See CAT/C/NLD/CO/5-6, para. 18.
- ¹²⁵ See A/HRC/30/56/Add.1, para. 91.
- ¹²⁶ UNHCR submission, p. 4.
- ¹²⁷ Ibid., p. 6.
- ¹²⁸ See CRC/C/NLD/CO/4, para. 32.
- ¹²⁹ UNHCR submission, p. 6. See also CRC/C/NLD/CO/4, para. 33.
- ¹³⁰ For relevant recommendations, see A/HRC/21/15, paras. 98.26, 98.34, 98.47-98.48, 98.53, 98.55, 98.59, 98.61, 98.63, 98.70, 98.84 and 98.107.
- ¹³¹ See CED/C/NLD/CO/1, para. 9.
- ¹³² UNHCR submission, p. 4.
- ¹³³ See CAT/C/NLD/CO/5-6, para. 29, CED/C/NLD/CO/1, para. 25, and A/HRC/30/56/Add.1, paras. 28 and 124.
- ¹³⁴ See CRC/C/NLD/CO/4, para. 19.
- ¹³⁵ See A/HRC/30/56/Add.1, para. 89.
- ¹³⁶ See CEDAW/C/NLD/CO/6, para. 31.
- ¹³⁷ See A/HRC/30/56/Add.1, para. 12.
- ¹³⁸ Ibid., para. 73.
- ¹³⁹ Ibid., para. 111.
- ¹⁴⁰ See CAT/C/NLD/CO/5-6, para. 10.
- ¹⁴¹ See A/HRC/30/56/Add.1, para. 124.
- ¹⁴² See CAT/C/NLD/CO/5-6, para. 19.
- ¹⁴³ See A/HRC/30/56/Add.1, para. 81.
- ¹⁴⁴ See CAT/C/NLD/CO/5-6, para. 20.
- ¹⁴⁵ Ibid., para. 23.

- ¹⁴⁶ See CRC/C/NLD/CO/4, para. 24.
¹⁴⁷ Ibid., para. 36.
¹⁴⁸ See CERD/C/NLD/CO/19-21, para. 31.
¹⁴⁹ See A/HRC/30/56/Add.1, para. 61.
¹⁵⁰ See CERD/C/NLD/CO/19-21, para. 32.
¹⁵¹ See CEDAW/C/NLD/CO/6, para. 37.
¹⁵² See CERD/C/NLD/CO/19-21, para. 21 (d).
¹⁵³ See A/HRC/30/56/Add.1, para. 125.
¹⁵⁴ UNHCR submission, p. 4.
¹⁵⁵ For the relevant recommendation, see A/HRC/21/15, para. 98.107.
¹⁵⁶ UNHCR submission, pp. 3-4.
¹⁵⁷ See A/HRC/30/56/Add.1, para. 71.
¹⁵⁸ Ibid., para. 124.
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