

# UPR MONITOR

International Service for Human Rights



Human Rights Monitor Series

## UNIVERSAL PERIODIC REVIEW, 1<sup>ST</sup> SESSION NETHERLANDS REVIEWED ON 15 APRIL 2008, MORNING

General information on the Netherlands .....	1
Information submitted to the Working Group .....	2
State report.....	2
Official UN documents.....	2
Other relevant stakeholders .....	3
Interactive dialogue.....	3
Presentation by the State .....	4
Key issues .....	4
Concluding remarks.....	9
Parallel event to the UPR session.....	9
Adoption of the report [15 April 2008, 15:00] .....	9

### General information on the Netherlands

#### Membership of the Human Rights Council

The Netherlands is a member of the Human Rights Council (2<sup>nd</sup> term, 2007 – 2010).

#### Members of the troika

Peru, Pakistan, Nigeria.<sup>1</sup>

#### National consultation

The Netherlands held two national consultations without specifying the place or the date in the State report.

---

<sup>1</sup> The Netherlands did not request a member from its own regional group. Regional groups selected: African Group, Asian Group, GRULAC. There were no objections by the Netherlands or by the members of the troika to the selection. For a full summary of the selection of troikas, see [http://www.ishr.ch/hrm/council/councilalert/council\\_update\\_7session.pdf](http://www.ishr.ch/hrm/council/councilalert/council_update_7session.pdf)

## Information submitted to the Working Group

### State report<sup>2</sup>

The State report first provided an overview of national legislation relevant to the protection of human rights and then examined its application on the ground. The main areas of focus included: equal treatment and non-discrimination, especially regarding racism and gender issues; violence in dependent relationships, focussing on domestic violence; trafficking and refugees/asylum seekers. The report claimed that good results have been achieved regarding independent scrutiny of the actions of public authorities and clear efforts have been undertaken to create and fortify national and international dialogue and cooperation. Challenges were perceived to reside in the possible conflicts between security and fundamental rights, the timely submission of reports to treaty bodies, and protection of human rights violations via the Internet. The Government identified as national priorities the issues of integration, youth policy, education and the creation of a national institution for the protection and promotion of human rights.

### Official UN documents<sup>3</sup>

The Netherlands is party of all core treaties and main instruments except for the *Optional Protocol to the Convention against Torture* (OP-CAT), the *Optional Protocol to Convention on the Rights of the Child on the sale of children, child prostitution and child pornography* (OP-CRC-AC), *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW), *Convention on the Protection of Persons with Disabilities* (CPD), and its Optional Protocol and the *Convention on the Protection of Persons from Enforced Disappearance* (CED). The CRC recommended the ratification of the CRC-OP-AC, while CEDAW and CERD recommended the ratification of the ICRMW. The Special Rapporteurs on toxic waste, sale of children and violence against women also visited the country between 1998 and 2006.

Regarding reservations made to the treaties by the Netherlands, the CRC recommended the withdrawal of all the reservations made to the CRC and the Committee on Economic, Social and Cultural Rights (CESCR) regretted the reservation to Article 8 (1) (d) of the International Convention on Economic, Social and Cultural Rights (ICESCR). At the national level the creation of four human rights institutions<sup>4</sup> was welcomed, although the coordination between Ministries and between the national and local authorities raised concern.<sup>5</sup>

Concern was expressed regarding discrimination and violence against and trafficking of women, particularly immigrant women.<sup>6</sup> The increase of discrimination and racism especially against Muslims and ethnic minorities in access to employment, education, access to health and legal services (in the case of illegal status) preoccupied CERD, CRC, CEDAW, UNHCR and the Special Rapporteur on violence against women.<sup>7</sup> CERD urged the Netherlands to promote general awareness of diversity and multiculturalism at all

---

<sup>2</sup> Available at

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/NL\\_NL\\_UPR\\_S1\\_2008\\_Netherlands\\_uprsubmission.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/NL_NL_UPR_S1_2008_Netherlands_uprsubmission.pdf)

<sup>3</sup> Available at

[http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/A\\_HRC\\_WG6\\_1\\_NDL\\_2\\_Netherlands\\_compilation\\_e.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/A_HRC_WG6_1_NDL_2_Netherlands_compilation_e.pdf)

<sup>4</sup> The independent National Ombudsman, the Equal Treatment Commission, the Committee on the Employment of Women from Ethnic Minority Groups and institutions on youth.

<sup>5</sup> CRC/C/15/add.277, para.4.

<sup>6</sup> A/HRC/4/43/Add.4, para.16; CEDAW/C/NLD/CO/4, para. 23 and 27.

<sup>7</sup> CERD/C/64/CO/7 paras. 5,6, 11 and 12; .CRC/C/15/Add.277, para. 30; CEDAW/C/NLD/CO/4, para. 27; UNHCR, UPR submission on the Netherlands, citing A/HRC/4/34/Add.4, para. 63 (hereafter “UNHCR

levels of education, to implement the provisions of ICERD, especially Article 2 (2), to monitor speeches in the media of by public figures to ensure that they did not promote hatred and to take adequate policy measures to ensure proper representation of minorities in the labour market.<sup>8</sup> CEDAW urged the Netherlands to eliminate discrimination against immigrant, refugee and minority women and take measures against the persistence of gender-role stereotypes through awareness-raising campaigns.<sup>9</sup> CAT, UNHCR and CERD expressed their concern about the accelerated procedure and effects of the *Aliens Act*, which could lead to a violation of the non-refoulement principle and Article 3 of the Convention.<sup>10</sup> Special observations and recommendations were made concerning the overseas territories by CAT, CEDAW, CRC and CESCR on various issues such as the excessive length of pretrial detention and the high number of non-convicted detainees, insufficient information in the report, absence of effective measures to combat violence and trafficking.<sup>11</sup>

### Other relevant stakeholders<sup>12</sup>

The report of OHCHR summarised information submitted by 17 NGOs and the Council of Europe.<sup>13</sup> In a joint submission 13 NGOs recommended that the Netherlands ratify the CPD and its Optional Protocol and the Optional Protocol of the ICSECR on an individual communications procedure [can you clarify whether this says ‘once it enters into force as it didn’t exist at the time they wrote it?], while Amnesty International called on the Netherlands to ratify all outstanding treaties and protocols. Neither drew attention to reservations made by the Netherlands to the core human rights treaties. Specific concerns raised by NGOs included the lack of systematic monitoring of policies and weak assessment of the results of these policies; increasing polarisation and discrimination against minority communities and the growth of Islamophobia, as well as the absence of measures to counteract this discrimination at the local level. Recommendations were also provided concerning detention centres and fundamental safeguards during police custody in the Netherlands, the Netherlands Antilles and Aruba. Concerns were also raised about the 48-hours accelerated procedure for processing asylum claims and the new act on expanding the scope for investigating and prosecuting terrorist crimes.

### Interactive dialogue

---

submission”), available at [www.ohchr.org/EN/HRBodies/UPR/PAGES/NLSession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/PAGES/NLSession1.aspx); CEDAW/C/NLD/CO/4, para. 27; see also A/HRC/4/34/Add.4, para. 63.

<sup>8</sup> CERD/C/64/CO/7, para. 11; E/CN.4/Sub.2/2005/27, para. 19; CERD/C/64/CO/7, para. 13.

<sup>9</sup> CEDAW/C/NLD/CO/4, para. 15, 16, 27 and 28.

<sup>10</sup> UNHCR, UPR submission on the Netherlands, citing A/HRC/4/34/Add.4, para. 63 (hereafter “UNHCR submission”), available at [www.ohchr.org/EN/HRBodies/UPR/PAGES/NLSession1.aspx](http://www.ohchr.org/EN/HRBodies/UPR/PAGES/NLSession1.aspx), citing CAT/C/NET/CO/4, paras. 7 and 8; CAT/C/NET/CO/4, paras. 7 recommendations (a) and (d) and 53; CERD/C/64/CO/7, paras. 7 and 14; Submission by the United Nations High Commissioner for Refugees in the case between Mir Isfahani and the Netherlands - application 31252/03, reference document 1, *ibid*; CRC/C/15/Add.227, para. 53 (a). Implementation of the Aliens Act 2000: UNHCR’s observations and recommendations, reference document 2, *ibid*;

<sup>11</sup> CAT/C/NET/CO/4, paras. 6, 10, 11, 12, 15 and 58 (d); CEDAW/C/NLD/CO/4, para. 37; CRC/C/15/Add.227, para. 43; CCPR/C/CO/72/NET, paras. 17 and 23; E/C.12/NLD/CO/3/Add.1, paras. 13, 21 and 22.

<sup>12</sup> [http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/A\\_HRC\\_WG6\\_1\\_NDL\\_Netherlands\\_summary.pdf](http://lib.ohchr.org/HRBodies/UPR/Documents/Session1/NL/A_HRC_WG6_1_NDL_Netherlands_summary.pdf)

<sup>13</sup> Amnesty International, Dutch section of the International Commission of Jurists, Art.1, Netwerk VN-vrouwenverdrag / Dutch CEDAW-Network, Johannes Wier Stichting, Aim for Human Rights, E-Quality, MOVISIE, International Information Centre ad Archives for the Women’s Movement, Justice and Peace Netherlands, Defence for Children International Nederland, Stichting Buitenlandse Partner, Vereniging voor Vrouw en Recht Clara Wichmann, Stichting Landelijk Ongedocumenteerden Seunpunt / Stichting LOS, International Federation of Action by Christians for the Abolition of Torture, Action by Christians for the Abolition of Torture Netherlands, Global Initiative to End All Corporal Punishment of Children. The original reports are available at <http://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRNetherlandsStakeholdersInfoS1.aspx>

## Presentation by the State

The delegation of the Kingdom of the Netherlands was led by H.R. Ms. Nebahat Albayrak, the State Secretary for Justice. She began her brief presentation by emphasising the ‘lively discussion’ on fundamental rights that was currently happening in the Netherlands, and confirmed the Netherlands’ commitment to the indivisibility, interdependence and the universal application of the human rights. She also took the opportunity to express the Netherlands’ awareness of its shortcomings and its openness to criticism and suggestions. Ms Albayrak then enumerated human rights issues that require special attention. She first elaborated on counter-terrorism measures recently enacted in the Netherlands, which include the combat of radicalisation that precedes terrorist activities as well as the promotion and the implementation of the rule of law. The second issue concerned human trafficking and prostitution, in which the State Secretary for Justice drew attention to the creation of an independent national Rapporteur on Human Trafficking, and stated that the lift of the ban on brothels assisted in combating trafficking. She then explained the legislative, institutional and other measures taken to combat discrimination, particularly the increase in Islamophobia. Ms. Albayrak then emphasised efforts undertaken in relation women and labour participation, particularly women and girls from minority groups. The Secretary of State also announced the creation of the Minister for Youth and Family and the Action Plan on Child Abuse.

The Secretary of State then answered questions that had been submitted to the troika in advance of the session. In response to a question raised by France, she reported with satisfaction the authorisation by her Government of the signature of the *International Convention for the Protection of All Persons from Enforced Disappearance*. The delegation answered Italy’s question regarding the establishment of a national human rights institution by briefly explaining that the Government is currently making the necessary preparation for its establishment and that it will work in accordance with the Paris Principles. It was stressed that its place among the already existing institutions such as the National Ombudsman, the Data Protection Authority and the Equal Treatment Commission was being considered. With regard to the question asked by Great Britain on the involvement of the civil society in the preparatory work for the UPR, the delegation answered that national consultations had been held involving over 20 NGOs representing all groups. Answering Great Britain’s question concerning ‘garments covering the face’, the delegation made clear that the complete covering of the face was not desired because it impedes open communication between people, but at the same time the use of the burka or the nikha was a form of religious expression and religious freedom may only be restricted in certain circumstances. The State Secretary for Justice shared Great Britain’s concern regarding segregation in education and mentioned that measures have been taken to respond to it, such as the creation of a centre for mixed schools. In response to a question raised by Sweden with regards to violence against women the Netherlands replied that a new action program had been created with special attention on the prevention and the early identification of domestic violence.

## Key issues

Many States<sup>14</sup> that took the floor commended the transparent and well-prepared report and presentation of the Netherlands. The State Secretary of Justice of the Netherlands subsequently attempted to respond to all questions raised in a thorough manner.

Many comments, questions and recommendations were made in relation to the Netherlands’ ratification and reservations to the core **international human rights treaties**.<sup>15</sup> Peru, Guatemala, Algeria and Egypt recommended that the State ratify the *International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families* (ICRMW). However, the Netherlands responded that it maintains

---

<sup>14</sup> Belgium, Holy See, Canada, Egypt, Brazil, Malaysia, Guatemala, China, Indonesia, India, Ghana, Republic of Korea, Nigeria, Bangladesh, Italy, Mexico, Jordan, Azerbaijan, South Africa, New Zealand.

<sup>15</sup> Egypt, Peru, Guatemala, Mexico, Algeria, Morocco and Azerbaijan

its traditional position that the Convention requires the State to give the same level of access to social security, health care and education to legal as well as illegal migrants. In the Netherlands, illegal migrants benefit from essential services, including the right to emergency health care, education for children and legal aid, although the principle of extending all rights to illegal immigrants ‘went too far’. Mexico challenged the rationale of the State as contrary to their professed commitment to the universality of human rights<sup>16</sup> and recommended a revision of the national legislation in order to include non-documented migrants. The Dutch Government did not give any further explanation on this issue, other than state that the UN was well aware of the Netherlands’ position.

Brazil recommended the ratification of the OP-CAT<sup>17</sup> and the OP-CRC without giving further explanations. The Russian Federation was glad to hear that about the progress made regarding to ratification of these two protocols. The delegation replied that the OP-CRC is currently being reviewed by the Parliament with a view to ratification and that the OP-CAT will be submitted for the same procedure within 2008. France congratulated the State’s decision to sign of the *International Convention for the Protection of All Persons from Enforced Disappearance* and requested further information about the timeframe for signature. It also requested that the State consider full ratification. The State Secretary answered that the Convention is due to be signed as soon as possible, hopefully at the next session of the UN General Assembly.

Further recommendations were made regarding the **removal of reservations** to various treaties. The Russian Federation asked about the reasons for the reservations made to the *Convention on the Rights of the Child* (CRC)<sup>18</sup> and recommended their removal. Moreover, it recommended that the Netherlands remove the reservations to Article 8 (1) (d)<sup>19</sup> of the *International Covenant on Economic, Social and Cultural Rights* (ICESCR). Algeria and South Africa joined this recommendation. South Africa required more information on the reasons for the reservation to the *International Covenant on Civil and Political Rights* (ICCPR)<sup>20</sup> and inquired about intentions for its removal.

The United Kingdom expressed concerns regarding the delay in submission of periodic **reports to the treaty bodies**, and drew attention to the fact that these reports did not include **information on the overseas territories**. Algeria and Russia also recommended the inclusion of information about the implementation of human rights treaties in the overseas territories. The Netherlands explained that these territories were independently responsible for their own report but that the due submission of the reports represented a challenge. The United Kingdom’s proposal to share experiences on collaboration in the drafting of reports to include the inputs of overseas territories was welcomed by the Secretary of State.

The creation of a **national institution for the protection and promotion of human rights** was welcomed by Belgium and New Zealand, who asked about its mandate and how it was intending to collaborate with existing institutions for the protection of human rights. The Netherlands replied that the division of the tasks between institutions is under consideration. The specific tasks of the new institution were as defined in the Paris Principles. Malaysia asked whether the new institution would have action plans related to the Human Rights Council, to which the Netherlands replied that this was not the case.

The issue of **discrimination** was discussed throughout the interactive dialogue.<sup>21</sup> France enquired about the reasons for the persistence of discrimination in general. The delegation explained that the Dutch Government

---

<sup>16</sup> Also expressed by Indonesia.

<sup>17</sup> joined by Belarus.

<sup>18</sup> Netherlands reservations to the CRC include articles 14, 22, 26, 37, 38 and 40.

<sup>19</sup> Article 8 (1) (d) ICESCR states the right to strikes.

<sup>20</sup> Netherlands reservations to the ICCPR include articles 10, 12 (1), (2), and (4), 14 (3) (d) (5) and (7), 19 (2) and 20 (1).

<sup>21</sup> Indonesia, the Islamic Republic of Iran, Pakistan, South Africa, Ghana, Bangladesh, Mexico, Jordan, Azerbaijan, Algeria, the United States of America, Morocco, Turkey, Switzerland, Saudi Arabia and India took the floor on this issue.

was well aware of the dramatic changes within the society since 2001. It explained that the combating of discrimination and Islamophobia in a multicultural society lay with the interaction of its members. Responding to concerns raised by Mexico and Morocco, the State Secretary for Justice confirmed that on Dutch soil all inhabitants are treated equally by law and that discrimination was not tolerated, and that a network of local and regional bureaus had been created in order to combat discrimination. Answering the request for more information by South Africa and Switzerland, the Dutch Government explained that the main tasks of this network are to assist victims, report on violations and provide information. The Islamic Republic of Iran recommended strengthening the policies of protection against discrimination. The Netherlands referred to a report issued the CERD in November in which these policies were elaborated. India recommended the creation of a national institution to ensure a dialogue for tolerance.

With regard to **religious discrimination**, India asked whether the right to freely practice religion is considered a fundamental right in the Netherlands. The United States requested more information on integration measures taken. Allegations of increasing Islamophobia also raised a lot of concern, especially among the Arab countries. Egypt, Iran, Saudi Arabia, Indonesia, Algeria and Cuba requested more information about the Government's responses to this development. Recommendations for better protection against Islamophobia were made by Egypt, while Morocco and Saudi Arabia recommended that further preventive measures against Islamophobia be taken. Jordan and Saudi Arabia and Algeria recommended awareness-raising measures to promote the awareness of multiculturalism, tolerance and peaceful cohabitation. The Netherlands indicated that the combating of prejudice and respect of the freedom of Muslims to practise their religion were key themes of its integration policy, and that a public information programme about discrimination was due to be launched in 2009.

Dutch parliamentarian Geert Wilders' documentary was heavily criticised by many States<sup>22</sup> as a clear act of defamation and incitement to hatred against Muslims. Saudi Arabia described the documentary as an unacceptable exploitation of freedom of expression and a purposeful humiliation of Islam. It reminded the Netherlands, as a State Party to ICERD, of its obligation to enforce the norms guaranteed by the Convention and stated that this had not efficiently been done. The Netherlands repeated that it rejected the documentary's message of polarisation and generalisation, a response which certain States<sup>23</sup> commended, as well as the earlier statement of the Government of the Netherlands in refusing to allow the film to be broadcast and condemning its content. The State Secretary of Justice expressed her and her country's awareness of the effects it had in the community. Nevertheless, it stressed the good reaction of the Dutch Muslim community. Furthermore, the Government was currently investigating the actions of the author of this documentary as a possible criminal offence, satisfying a recommendation made by Pakistan.

South Africa, Indonesia, Pakistan and Iran were concerned about the increasing **racial discrimination** and wished for more information on the measures taken to counteract this development. Similar unease was expressed by the Islamic Republic of Iran, Indonesia, Azerbaijan and Algeria on the **discrimination against minorities**. The Netherlands stressed the creation of a Minister of Integration whose task was to enforce the regulations of non-discrimination.

The Islamic Republic of Iran, the United States and Bangladesh expressed concern about **discrimination against migrants** and the asked about the measures taken by the Dutch Government to ensure integration. Bangladesh described the Netherlands' policy of integration as being one of assimilation of the immigrant population into society. Although being aware that integration is not easy due to the different backgrounds of the immigrants, Bangladesh reminded the Netherlands that this should not mean the imposition of the will of the society over the will of immigrants. The Netherlands replied that the increasing multipluralism was seen a positive development but remained a challenge. Integration represented a two-way process in which the

---

<sup>22</sup> Islamic Republic of Iran, Egypt, Turkey, Pakistan, Malaysia, Bangladesh, Algeria, Jordan, Saudi Arabia, Ghana and Cuba.

<sup>23</sup> Pakistan, Turkey, Morocco.

whole society was expected to interact in order to successfully combat discrimination and xenophobia. The Netherlands recognised the continuing ‘value-based conflicts’ but strongly believed that the rule of law could solve them peacefully.

The **internet** was seen as a new challenge in the combat of discrimination by China and Bangladesh. Both countries noted the creation of the National Cybercrime Centre and asked about its effectiveness. China wished for more information about other measures taken so far and the future measures. The Netherlands shared the concerns of the dissemination of hatred and discrimination through the Internet and had therefore increased the funding of the Cybercrime Centre. A policy plan against cybercrime was established in December 2007. The Netherlands also pointed out the international character of this issue and stressed that it required a cooperative international response.

Various States recommended the use of human rights **education** to counter discrimination.<sup>24</sup> Switzerland asked for more information about the educational human rights activities. Turkey and Indonesia asked about measures taken to counteract segregation in education. The delegation replied that agreements with municipalities had been signed, obligating the schools to report on the measures taken. However, the Netherlands recognised that the problem of segregation not only affected education but also housing.

Questions and concerns were raised regarding the effectiveness and compatibility of the new accelerated procedure for dealing with **asylum seekers** and **refugees** by Indonesia, Mexico and Bangladesh. Nigeria was concerned about the excessive use of force in the process of repatriation and recommended that only appropriate force to be used. France and Egypt expressed their concern about the fire incident at a detention centre for repatriation in which eleven illegal people were killed and asked for more information about the measures taken. The Netherlands explained that the fire in fact took place at a holding centre for illegal immigrants at Schipol airport, and elaborated on the improvements in fire protection in all detention centres, prisons and reception centres, including the training of the personnel and efforts to improve collaboration between management and the local community.

Many comments, questions and recommendations were raised in regard to the protection of **women’s rights**, especially regarding domestic violence. The Islamic Republic of Iran expressed serious concern regarding trafficking, sexual harassment and discrimination of women, especially minority women, and recommended that better protection measures be taken, especially against domestic violence and the protection of the family. India was concerned about the high number of victims of domestic violence, requesting information on what the causes of such high figures were. The Netherlands responded that traditionally its policy was gender-neutral as, while it recognised that the majority of victims of domestic violence were women, it was also applicable to men. Nevertheless, a gender specific policy is currently being examined in accordance with the recommendations of CEDAW. The Netherlands furthermore stressed the importance of being able to assess developments in the country of origin regarding honour related crimes, because most of the victims of such crimes are ethnic minority women. Canada was interested about the functioning of the new action programme that had been mentioned in the State report. The State Secretary for Justice explained that it consisted of the consolidation of the results of old projects on domestic violence and responding to new developments as well as in the protection and early identification of violence. A national public education programme had also been created, including a hotline and website. Bangladesh, Slovenia, Italy, India, Ghana and South Africa requested information on the follow-up to different aspects of CEDAW’s recommendations, such as the increase of the proportion of women in top positions in the senior public services to 25% by 2011, taking effective measures to eliminate discrimination against women refugees and other women from ethnic minorities and to begin breaking down statistical data by sex and ethnicity.

---

<sup>24</sup> Guatemala, Republic of Korea, Ghana, Saudi Arabia and Algeria.

The Working Group repeatedly raised the issue of **trafficking in humans**. General concern was expressed by the Islamic Republic of Iran, Bangladesh and Algeria. The latter recommended that more efforts be undertaken and that an in-depth study should be carried out on trafficking and exploitation of children particularly in regard to sexual abuse, child prostitution and child pornography as a basis for urgent remedial action in this regard. Brazil also asked about the immediate assistance of victims, to which the Netherlands responded that the protection of the victims was the major part of its policy against human trafficking and that the main assistance consisted in immediate assistance. Nevertheless, if the victims chose to collaborate with the police, a temporary residence permit is issued which may be converted into a permanent residence permit in the case of conviction. A permanent residence may also be given when a victim has lived on Dutch territory for at least three years. Nigeria requested more information on measures that had been taken to investigate cases and protect the victims. The Netherlands did not directly answer the questions, but stated that the protection of the victims represented a major part of the trafficking policy. However, the delegation pointed out that the real answer in addressing trafficking in humans started with prevention in the country of origin and transit followed by the prosecution of the criminals. On this occasion it congratulated Nigeria on the successful collaboration with the Netherlands that led to the arrest of human traffickers who had been trafficking people from Nigeria to the Netherlands.

Mexico recommended better that reintegration measures needed to be taken with trafficked persons. Answering a question raised by Sweden, the delegation pointed out that it had implemented all recommendations received by its national rapporteur on victim assistance. Sweden and Israel also expressed interest in more information on the functioning and efficiency of the new action plan. The delegation explained that the newly created national task force on human trafficking was coordinating the various existing institutions dealing with this issue. The Netherlands claimed that its effectiveness had already been proven in the joint action with Nigeria, which had led to the worldwide arrest of trafficking criminals. Bangladesh and Egypt were concerned about the incompatibility of combating human trafficking and the **legalisation of the sex industry**. The Netherlands elaborated that apart from reflecting everyday reality, the lift of the ban of brothels in fact led to increased protection of sex workers and the prevention of human trafficking. This was a result of the frequent controls by the police. In fact the authority has in that manner more control and can detect signs of trafficking. Ghana asked about the success in the prevention of the image of the women and girls as sex objects to which the Netherlands did not reply.

Questions relating to the **right to life**, particularly about the life termination of newborn infants with severe disabilities, were raised by the Holy See and Egypt. The delegation replied that although homicide is criminalized in the Netherlands, an unbearable suffering with no betterment in sight justifies the termination of life. Nevertheless, a committee had been established for further research in this matter. The Republic of Korea questioned measures taken concerning euthanasia. The Netherlands explained that a UN recommendation of the UN Human Rights Committee for reevaluation had been followed and that researchers had presented an evaluation report confirming that the Netherlands met the three key aims<sup>25</sup> that were identified in relation to this issue.

Egypt cited a recent national poll that had been conducted in the Netherlands resulting in 72% of the population being in favour of the reintroduction of **the death penalty** in certain circumstances. Consequently Egypt enquired about the Government's reaction to this popular demand. The State Secretary of Justice referred to this question as an "interesting one" and explained that the Netherlands is not run by opinion polls but by the Parliament. Although interesting to look at, this poll did not reflect the majority opinion in the legislative body. The Netherlands confirmed its strong opposition to the death penalty and stated that as a starting point it would simply not be considered.

---

<sup>25</sup> The three key aims were: 1. to ensure social control; 2. to guarantee quality of medical decisions of the end of life; 3. to provide legal certainty for the doctors.



Brazil, Cuba and Switzerland expressed concerns about the compatibility of the State's **counter terrorism measures** with its human rights obligations. The Netherlands briefly assured that the human rights were taken into account through a legislative process, including through analysis of the State's international human rights obligations, and the outcome meets international human rights standards.

### **Concluding remarks**

In the concluding remarks the State Secretary for Justice expressed her appreciation regarding the recommendations, remarks and questions and the general approach adopted in the interactive dialogue. She assured that all recommendations would be examined and their acceptability would be communicated before the adoption of the final report by the Human Rights Council. The delegation reminded the Working Group that the promotion and protection of human rights is an ongoing process and that the UPR is an excellent instrument to facilitate it. States were urged to cooperate with the UPR and other international institutions because "a joint commitment makes a stronger action possible".

### **Parallel event to the UPR session (15 April, 12.45am)**

The Dutch section of the International Commission of Jurists (NJCM), Justice and Peace Netherlands, and the International Commission of Jurists held a parallel event directly following the UPR session of the Netherlands on 11 April 2008 entitled "UPR: Making it Work" Enjoying the full participation of the State under review, the discussion targeted key points for action and the elaboration of the implementation of UPR recommendations. It also provided an opportunity for observers to make observations on the UPR process to date, in comparison and contrast to what had just taken place in the context of the Netherlands. The State Secretary for Justice used the opportunity to state that improved collaboration between the State and the NGOs was possible and desired.

### **Adoption of the report [15 April 2008, 15:00]**

Pakistan's Ambassador Masood Khan took the floor to present the report for adoption. He explained that it was a factual and faithful recapitulation of the review and that extraordinary precautions to stick to the original language and the essence of the comments, questions and recommendations had been made. He thanked the secretariat for its help. The Ambassador pointed out that the Netherlands' UPR session was very interactive and as a result real questions had come to the surface in a balanced manner, which had enhanced understanding of the promotion and protection of human rights in that particular country. He thanked the Netherlands' State Secretary for Justice Ms. Nebahat Albayak for the detailed responses during the session and the Dutch Permanent Mission for the conduct of the review and the preparation of the report. Concerning the recommendations made during the interactive session, Mr. Khan recalled Netherlands' previously agreed formula of responding to these recommendations in due course. Their response will be made part of the outcome document before its adoption at the 8<sup>th</sup> session of the Human Rights Council. Mr. Khan then asked for the adoption of the report.

Representing the Netherlands, Ambassador Van Eenennaam, recalled the opening statement of the State Secretary of Justice that the Netherlands did not expect compliments and were open to criticism. Thirty one recommendations were made, proving the Netherlands' expectations right. The Netherlands confirmed its commitment to come back to these recommendations before the 8<sup>th</sup> session of the Human Rights Council. Ambassador Van Eenennaam then thanked the troika members for their advice, support and patience. He furthermore expressed his appreciation and admiration to the secretariat for their efficient and speedy work and recommended the adoption of the report. The President, seeing no objections, adopted it thereafter.

## **COUNCIL MONITOR STAFF**

**Paul Dziatkowiec**, Human Rights Officer  
**Eléonore Dziurzynski**, Communications Officer  
**Michael Ineichen**, Human Rights Officer  
**Vanessa Jackson**, Human Rights Officer  
**Rosa Sanz**, Fellow  
**Gareth Sweeney**, Deputy Manager  
**Yuri Saito**, Fellow  
**Katrine Thomasen**, Manager

### **Author of this report**

**Martina de Kaenel**, Intern

## **ABOUT THE PUBLICATION**

The Council Monitor forms part of the Human Rights Monitor Series produced by ISHR. It provides you with information about all the key developments at the Human Rights Council, including Daily Updates during the session of the Council, an Overview of the session, briefings and updates on the major issues of concern in the transition from the Commission on Human Rights to the Council and other key reports. It is currently an online publication that can be found at [www.ishr.ch](http://www.ishr.ch)

## **SUBSCRIPTION**

If you wish to receive the Council Monitor Daily Updates by e-mail during the Council session, please e-mail [information@ishr.ch](mailto:information@ishr.ch) with 'subscribe' in the subject line. Your e-mail address and personal information will not be shared or sold to any third parties. We may from time to time send you a notification about other publications in the Human Rights Monitor Series that you may be interested in downloading or subscribing to.

## **COPYRIGHT, DISTRIBUTION AND USE**

Copyright © 2008 International Service for Human Rights

Material from this publication may be reproduced for training, teaching or other non-commercial purposes as long as ISHR is fully acknowledged. You can also distribute this publication and link to it from your website as long as ISHR is fully acknowledged as the source. No part of this publication may be reproduced for any commercial purpose without the prior express permission of the copyright holders.

ISHR accepts no responsibility for any inaccuracies arising from or connected to unapproved or unofficial translations of its publications or parts thereof.

## **DISCLAIMER**

While every effort has been made to ensure the accuracy and reliability of the information contained in this publication, ISHR does not guarantee, and accepts no legal liability whatsoever arising from any possible mistakes in the information reported on, or any use of this publication. We are however happy to correct any errors you may come across so please notify [information@ishr.ch](mailto:information@ishr.ch).