

## **Response of the Kingdom of the Netherlands to the 4<sup>th</sup> cycle UPR recommendations<sup>1</sup>**

**147.27, 147.28, 147.29, 147.31, 147.32, 147.33, 147.43, 147.44, 147.46, 147.47, 147.49, 147.50, 147.55, 147.56, 147.58, 147.59, 147.60, 147.61, 147.66, 147.72, 147.74, 147.75, 147.76, 147.77, 147.78, 147.79, 147.80, 147.81, 147.82, 147.84, 147.86, 147.87, 147.88, 147.89, 147.90, 147.92, 147.93, 147.99, 147.102, 147.108, 147.111, 147.112, 147.113, 147.114, 147.115, 147.116, 147.117, 147.118, 147.119, 147.120, 147.121, 147.122, 147.124, 147.125, 147.126, 147.128, 147.129, 147.130, 147.131, 147.132, 147.133, 147.134, 147.135, 147.140, 147.141, 147.148, 147.149, 147.150, 147.151, 147.152, 147.153, 147.154, 147.156, 147.158, 147.159, 147.160, 147.183, 147.184, 147.185, 147.186, 147.187, 147.188, 147.190, 147.192, 147.193, 147.194, 147.197, 147.198, 147.199, 147.200, 147.202, 147.203, 147.204, 147.206, 147.208, 147.210, 147.211, 147.213, 147.216, 147.217, 147.218, 147.224, 147.225, 147.226, 147.229, 147.231, 147.232, 147.233, 147.236, 147.237, 147.241, 147.242, 147.243, 147.244, 147.245, 147.248, 147.250, 147.253**

Supported.

**147.1, 147.2, 147.3, 147.4, 147.5, 147.6, 147.7, 147.8, 147.9, 147.26, 147.30, 147.39, 147.40, 147.41, 147.42, 147.51, 147.53, 147.54, 147.62, 147.63, 147.64, 147.65, 147.67, 147.68, 147.69, 147.70, 147.71, 147.73, 147.94, 147.95, 147.96, 147.97, 147.104, 147.107, 147.109, 147.110, 147.123, 147.127, 147.143, 147.147, 147.157, 147.161, 147.191, 147.196, 147.209, 147.214, 147.215, 147.234, 147.235, 147.239, 147.240, 147.247, 147.254, 147.255**

Noted.

**147.10, 147.11, 147.12, 147.13, 147.14, 147.15, 147.16, 147.17, 147.18, 147.19, 147.20, 147.21, 147.22, 147.23, 147.24, 147.25**

Noted. The government of The Netherlands is currently preparing a response. The aim is to announce the government's position in 2023.

**147.34, 147.35, 147.36**

Noted. The restrictive measures autonomously imposed by the EU comply with international law, including with the obligations stemming from international humanitarian law.

**147.37**

Partially supported. The Netherlands is making continuous efforts to address its legacy of colonialism, including in the way history is taught in the education system,

and supports this part of the recommendation. The government of The Netherlands cannot guarantee legislation on any topic and therefore notes the second part of the recommendation.

**147.38**

Supported. The Netherlands supports the impartiality, objectivity and non-selectivity of human rights, in accordance with the Irish principles.

**147.45**

Supported. The Netherlands believes the recommended actions have already been taken.

**147.48**

Noted. Current policies specifically address hate speech and the investigation and prosecution of illegal statements. The Netherlands is in favour of a general approach.

**147.52**

Noted. The Netherlands wishes to emphasise that the anti-discrimination laws in the Criminal Code do not and should not differentiate between religions. The Netherlands is in favour of general laws, without a specification for one minority group.

**147.57, 147.83**

Supported. Provided that parliamentary debate is not hampered.

**147.85**

Supported. A legislative proposal has been submitted to the Parliament of the Netherlands, aiming to introduce a provision of general application into the criminal code by which a discriminatory motive – including a racist motive – is a circumstance that raises the maximum penalty for the offence.

**147.91**

Supported. The Netherlands is actively exploring the possibility of expanding its anti-discrimination legislation to the Caribbean Netherlands.

**147.98**

Partially supported. The Netherlands is working to combat all forms of discrimination. The right of people in The Netherlands to organise education in accordance with their faith is constitutionally protected, including the option of reserving admission to schools for students who support the school's religious foundation. However, public schools are always open to all applicants and the government ensures that their number is sufficient.

**147.100, 147.101**

Supported. The Netherlands is working to combat all forms of discrimination.

**147.103**

Noted. The Netherlands already invests significant resources in the protection and integration of members of national, racial, and ethnic minorities. For example, on 1 January 2022 a reviewed version of the Netherlands' new Civic Integration Act took effect, which was accompanied with extra investments of 24 million euro for the renewal of the curriculum for immigrants (on top of existing structural budgets). Significant investments have also been done in recent years (11.25 million for 2018 - 2024) with respect to promoting the further integration of immigrants into the labour market. Lastly, it is worth noting that in 2022 a National Coordinator against Racism and Discrimination has been appointed (and was allocated a budget of 3.5 million euro yearly), as well as a National Coordinator against Antisemitism in 2021 (and was allocated 0.5 million euro yearly).

**147.105**

Noted. In 2022 the Netherlands transferred 17 women from Syria to the Netherlands in order to stand trial. The Netherlands also repatriated 39 children in 2022. The Netherlands want to prevent impunity for Foreign Terrorist Fighters and assesses each case individually.

**147.106**

Noted. The Netherlands remains committed to support delivery of humanitarian assistance in Syria and elsewhere in the world. The humanitarian imperative and the humanitarian principles are at the heart of this commitment which the Netherlands fulfils by providing quality financing to well-established partners such as the UN and the RCRC who work in accordance with said principles and with International Humanitarian Law.

**147.136, 147.137, 147.138**

Supported. The Netherlands is currently implementing measures to improve housing accessibility.

**147.139**

Noted. The policy of the Netherlands is focused on equitable access for all residents, indiscriminate of ethnic and/or migrant background

**147.142**

Supported. The Netherlands actively supports the right to health worldwide. The Sustainable Development Goals, SDG3 in particular, are at the core of the Dutch *Global health strategy 2023-2030*. The Netherlands wishes to contribute to reducing inequality. Strengthening international global health cooperation and improving worldwide access to medical supplies are at the forefront of this strategy.

**147.144, 147.145**

Supported. The Netherlands is working on advancing inclusive education.

**147.146**

Supported. Education in international human rights is included in civics education, as required by law.

**147.155**

Noted. The Netherlands is working towards due diligence legislation that includes climate provisions. At this moment, it has not yet been decided whether these provisions can ensure accountability from companies (particularly carbon majors) for environmental damages.

**147.162, 147.163, 147.166, 147.167, 147.168**

Supported. A legislative proposal to this effect is currently under consideration by the parliament of the Netherlands.

**147.164**

Supported. The Netherlands is actively engaged within the European Union on this matter.

**147.165**

Supported. A legislative proposal to this effect is currently under consideration by the parliament of the Netherlands. Ensuring responsible business conduct in the arms sector in light of the Information Note of the Working Group entails a continuous effort on the recommendations for States.

**147.169, 147.170, 147.171, 147.172, 147.173, 147.174, 147.175, 147.176, 147.182**

Supported. The Netherlands is pursuing gender equality in the labour market and is taking several measures to this effect. Among these are measures to close the gender pay gap. The Netherlands will also implement the European Union Equal Pay and Pay Transparency Directive.

**147.178, 147.179, 147.180, 147.181**

Supported. The Netherlands is pursuing gender equality in the labour market and is taking several measures to this effect. Among these are measures to close the gender pay gap, such as the *Action Plan to Combat Labour Market Discrimination* and the introduction of a mandatory gender diversity quota system for the governance boards of publicly traded companies. The Netherlands will also implement the European Union Equal Pay and Pay Transparency Directive.

**147.177**

Supported. The Netherlands is committed to improving the economic independence of women but notes that it is difficult to demonstrate the relationship between economic independence and policy initiatives.

**147.189**

Supported. Aruba has already strengthened its efforts to combat violence against women and domestic violence and will continue to do so. It has for instance established amongst others a Family Justice Center in Aruba. This centre is defined as a multiagency, multidisciplinary service centre where public and private agencies assign staff members on a full-time or part-time basis to provide services to survivors of severe gender-based violence, domestic violence and their families from one location. Aruba also provides shelter and support to victims of domestic/relational violence.

The Sexual Offences Bill is limited to the European part of the Netherlands and does not amend the BES Criminal Code (see the Explanatory Memorandum to the bill for more information).

**147.195**

Supported. The Sexual Offences Bill is limited to the European part of the Netherlands and does not amend the BES Criminal Code (see the Explanatory Memorandum to the bill for more information).

**147.201**

Supported. This recommendation is in line with the Istanbul Treaty.

**147.205**

Supported. The Netherlands agrees that letting children in difficult situations grow up as 'normal' as possible is of the utmost importance. Foster care and family homes fit well with this vision. We will continue to strengthen both sectors in the coming years. Aside from that we are in the process of converting the current residential youth care institutions to small-scale accommodations.

**147.207**

Noted. The main objective of the Children's Rights Task Force is to promote knowledge sharing, collaboration and connection between the countries of the Kingdom of the Netherlands. The Children's Rights Task Force action plan lists five topics that the countries in the Kingdom of the Netherlands consider to be priority areas. The countries have prepared their own independent action plans on the basis of those priorities. It is now up to the countries to implement the action plans they have drawn up.

**147.212**

Supported. This recommendation is in line with the Convention on the Rights of Persons with Disabilities.

**147.219, 147.220**

Supported. The removal of the indication of gender from ID cards is scheduled to be effected in 2027/2028.

**147.221**

Noted. The public prosecutor's service has prosecutorial discretion to decide if someone has to be prosecuted and only a judge can convict them.

**147.222, 147.223**

Supported. The Netherlands is developing a new action plan to improve the safety of LGBTIQ+ persons. This development is being supported by several scientific studies that are currently being conducted.

**147.227**

Noted. The Netherlands does not agree that it implements policies which violate rights of migrants.

**147.228**

Noted. The Netherlands does not agree that it treats migrants and asylum-seekers in a discriminatory fashion based on race, nationality or religious background.'

**147.230**

Noted. The Government has no plans to draft new legislation relating to the status of migrants but is focussed on taking effective measures to improve their living and working conditions.

**147.238**

Noted. The precise meaning of this recommendation is unclear.

**147.246**

Noted. The Netherlands rejects the suggestion that it practices forced returns in cases where there is a realistic risk of torture or other serious human rights violations.

**147.249**

Supported. The Netherlands wishes to underline that the principle of non-refoulement is the foundation for the asylum system.

**147.251**

Noted. The Netherlands does not agree that it treats migrants and asylum seekers in a discriminatory fashion based on where they come from.

## **147.252**

Noted. Taking asylum seekers into custody is a measure of last resort. There is no automatic detention of asylum seekers.

### *Notes*

- <sup>1</sup> All responses to the recommendations are made by the Netherlands, with the exception of recommendations 147.25, 147.27, 147.29, 147.31, 147.39, 147.40, 147.41, 147.42, 147.103, 147.189, 147.195, 147.234 and 147.235, which have been responded to by the Kingdom of the Netherlands (consisting of Aruba, Curaçao, The Netherlands and Sint Maarten). Recommendations responded to by the Kingdom of the Netherlands as a whole can only be supported with the unanimous consent of all four constituent countries.