

**National Report by the Kingdom of the Netherlands for the  
Universal Periodic Review**

February 2008

National Report by the Kingdom of the Netherlands for the Universal Periodic Review.....	1
Introduction.....	3
1. Methodology and consultation process.....	3
2. The normative and institutional framework.....	4
2.1 Introduction.....	4
2.2 Fundamental rights and the constitution.....	5
2.3 Direct effect of international law, international treaties and resolutions of international institutions in the national legal order.....	6
2.4 The role of human rights in national legislation.....	7
3. Promotion and protection of human rights on the ground.....	8
3.1. Equal treatment.....	8
3.1.1. Introduction.....	9
3.1.2. Racism.....	10
3.1.3. Women (gender mainstreaming).....	10
3.2. Violence in dependent relationships.....	12
3.2.1. Introduction.....	12
3.2.2. Domestic violence.....	12
3.2.3. Trafficking in persons.....	13
3.3. Refugees/asylum.....	15
4. Identification of achievements, best practices, challenges and constraints.....	16
4.1. Achievements and best practices.....	16
4.1.1. Independent scrutiny of the actions of public authorities.....	16
4.1.2. Tightening provisions in criminal law to combat discrimination.....	16
4.1.3. Open invitation to all UN Special Procedures mandate holders.....	17
4.1.4. Forging coalitions with civil society.....	17
4.1.5. International commitment.....	17
4.1.6. International law.....	18
4.2. Challenges and constraints.....	18
4.2.1. Security and classic fundamental rights.....	18
4.2.2. Human rights education.....	19
4.2.3. Reports to treaty bodies.....	19
4.2.4. Internet.....	20
5. Priorities.....	20
5.1. Integration.....	20
5.2. Youth policy.....	21
5.3 Education.....	22
5.4 National Institution for the protection and promotion of human rights.....	23

## Introduction

The Kingdom of the Netherlands<sup>1</sup> traditionally attaches great importance to promoting, protecting and upholding human rights, both at home and abroad. Human rights are the ground rules that govern societies where individuals are free to differ from one another but where everyone is equal before the law. Human rights enjoin governments to protect their people from violence and to ensure equal opportunities for all citizens. Human rights represent the fundamental values on which democracy and the rule of law are based: freedom, justice, equality, humanity, respect, solidarity and the love of others. The Netherlands strives for a society based on these values, both at home and abroad. Everyone has the right to a life of human dignity, and it is this firm conviction that impels the Netherlands to pursue an active human rights policy.

For all these reasons, human rights are firmly anchored in our constitution and other legislation, and they are guaranteed at national level by many independent institutions. Human rights have also been an integral part of our foreign policy (including development cooperation) for many decades. The Dutch government recently strengthened this link in its new human rights strategy, 'Human dignity for all'. The Hague is increasingly seen as the legal capital of the world. The Netherlands is party to the majority of international human rights treaties and has always lent its cooperation to the treaty bodies and special procedures without reservation.

Armed by these convictions the Netherlands has always been actively involved in the Human Rights Council. From the very start we urged the creation of a universal periodic review (UPR). In our view the UPR can evolve into a useful instrument for assessing the domestic situation in UN member states as to the promotion, protection and observance of human rights in the light of international obligations, such as the UN Charter, the Universal Declaration of Human Rights and the human rights treaties to which they are party. The Netherlands is prepared to cooperate with this review unconditionally and will be open to the ensuing findings, conclusions and recommendations. The UPR is not meant to capture a particular moment in time but rather to function as an ongoing process that should lead to a permanent focus on human rights at national level.

## 1. Methodology and consultation process

In accordance with the principles formulated by the Human Rights Council for the UPR<sup>2</sup> this report should be read as a supplement to existing reports for the other UN human rights mechanisms. The Netherlands is firmly committed to a healthy and actively involved civil society. The government maintains contact with NGOs in a wide variety of areas. In preparing this report, the government consulted over 20 Dutch human rights organisations. For that purpose the Ministry of Foreign Affairs hosted two meetings, which were also attended by representatives of other ministries and of organisations like the Office of the National Ombudsman and the Equal Treatment Commission. Supplemental to the NGO

---

<sup>1</sup> The Kingdom of the Netherlands consists of the Netherlands in Europe, the Netherlands Antilles and Aruba. The Kingdom's three constituent parts have internal autonomy, and each is individually responsible for protecting human rights and fundamental freedoms. The Kingdom itself ensures that certain basic conditions are met.

<sup>2</sup> A/HRC/RES/5/1 of 16 June 2007.

report that the Human Rights Council received in November 2007,<sup>3</sup> the NGOs present at that meeting explained their views on the human rights situation in the Netherlands in an open and constructive dialogue. Most of the issues that arose during that discussion are also addressed in this report. In general terms these are issues related to the changing social context in the Netherlands and its impact on human rights. Another recurring point in the talks with the NGOs was the position of and focus on human rights in society at large. This subject is also dealt with here. Finally, this report discusses the regular reporting obligations and recent recommendations issued by treaty bodies.

## **2. The normative and institutional framework**

### **2.1 Introduction**

In the most recent UNDP Human Development Index, the Netherlands is ranked tenth.<sup>4</sup> This means that we score high in areas like public health (life expectancy), knowledge (literacy and education) and standard of living (GNP, PPP and overall prosperity). The Netherlands is also a good country to live in because we cherish our fundamental rights, which are firmly embedded in our legal system. Democracy, freedom of religion and association, freedom of expression, and the equality of all citizens regardless of their political convictions, religion, skin colour, sex or sexual orientation are laid down as non-negotiable rights and obligations.

Thanks to a number of social trends, these rights and obligations (or standards and values) have become an increasingly popular subject of discussion in the Netherlands in recent years. Dutch society is permeated by a mood of discontent over anti-social behaviour and the perceived coarsening of social mores. Processes of individualisation, secularisation, gender equality and personal development have led to greater assertiveness on the part of the individual. We take pride in how far we have come as a society and regard individual freedom as a great good. In some cases, however, the emphasis on individual freedom and self-actualisation seems to lead to selfishness and a failure to acknowledge the freedoms of others.

The debate on values and standards has also acquired a new dimension on account of the country's increased diversity, which is due in part to the influx of large groups of immigrants. Just under 20% of Dutch residents are of non-Dutch origin.<sup>5</sup> Over the space of a few decades the Netherlands has evolved from a mono-ethnic society into a multi-ethnic one, prompting a debate on what values and standards should be shared. In any event these include the fundamental values of Dutch democracy and the rule of law. Their importance grows as society becomes more diverse.

The Dutch government believes that diversity, which can be defined as the peaceful co-existence of different values, is one of the hallmarks of our brand of democracy, rooted in the rule of law and age-old traditions of tolerance. Society as a whole benefits from granting individuals the freedom to cultivate and propagate their own values. Sometimes, however,

---

<sup>3</sup> Dutch NGOs' contribution to the First Universal Periodic Review of the Netherlands by the UN Human Rights Council.

<sup>4</sup> UNDP Human Development Report, 2006.

<sup>5</sup> Statistics Netherlands, Composition of the Population of the Netherlands, December 2007, <http://statline.cbs.nl/StatWeb/table.asp?PA=71090ned>.

restrictions must be imposed on individual freedom if it infringes disproportionately on other citizens' well-being or freedom of choice. Such value-based conflicts are inevitable, but in a democracy based on the rule of law they can be resolved peacefully.

Diversity does not mean that shared values are of no importance. On the contrary, a society can function only if there is a foundation of shared values that are equally accepted by all members of that society. In more concrete terms, the values in question are derived from fundamental human rights, like equality before the law and the ban on inhuman treatment. These shared values, which define a number of basic, guiding principles, are not to be challenged. This is not to say that people need have identical views about the organisation of society and their own lives. The great variety of religious, philosophical and political beliefs that have existed side by side in the Netherlands for centuries shows that uniformity of thought is by no means the norm.

If a community lacks shared values, there are no standards by which we can interpret each other's actions, and tensions surrounding the most basic of choices, from the level of the individual up to that of society as a whole, will soon become irresolvable. In recent years the debate on shared values and tolerance has been overshadowed by increasing individualisation and certain demographic trends. These developments have motivated the Dutch government to launch initiatives in the areas of integration, youth policy, education, public safety and security, in order to raise awareness about shared values or to prevent the erosion of such values.

## ***2.2 Fundamental rights and the constitution***

Fundamental rights are firmly anchored in the Dutch legal system. Chapter 1 of the Dutch constitution contains 23 articles which address the matter of protecting and respecting fundamental civil, political, economic, social and cultural rights. Elsewhere in the constitution there are provisions that could be qualified as fundamental rights (e.g. article 144, which bans the death penalty). A second source of fundamental rights is the primary and secondary legislation of the European Union and the case law of the European Court of Justice. Thanks to their supranational character, these automatically become part of the Dutch legal system. A third major source is the UN human rights conventions to which the Netherlands is party, along with, for example, the Convention for the Protection of Human Rights and Fundamental Freedoms of the Council of Europe.

Social diversity is seen as a great good in the Netherlands, though it can equally be a source of tension between individuals and groups. This tension often manifests itself as a (sometimes indirect) clash of fundamental rights, particularly freedom of expression, freedom of religion, the principle of non-discrimination and freedom of education. In the Netherlands there is scope for debate on these questions, and such fundamental rights are a regular subject of intensive discussion.

The Dutch government feels that the existing relationship between the various fundamental rights provides adequate scope for dealing with these kinds of conflicts. In this spirit the government drafted the policy memorandum 'Fundamental rights in a plural society', which discusses at length the relationship between freedom of expression, freedom of religion and the ban on discrimination. It goes on to examine the principle of separation of church and state, addressing such issues as offensive or inflammatory language, honour crimes and articles of clothing that express certain religious or ideological convictions.

The document was generally well received by the Dutch parliament, where it prompted a two-day debate on fundamental rights and a motion (which eventually passed) to draw up an action plan with relevant stakeholders to promote knowledge about fundamental rights. Two specific initiatives to emerge from this action plan are the website [www.zestienmiljoenrechters.nl](http://www.zestienmiljoenrechters.nl) (i.e. 16 million judges) and a congress on human rights education (for more on this, please see section 4.3.2).

The Dutch project 'Fundamental rights in a plural society' and the memorandum of the same name have also had an impact at European level. This is hardly surprising, since all Western democracies are grappling with similar issues. Over the past few years there have been incidents, both here and abroad, that have led to widespread speculation about the limits to tolerance and freedom of expression. Partly for that reason, the Council of Europe has picked up the Dutch project, and a Dutch-led expert group on human rights has drafted two manuals on 'hate speech' and 'the wearing of religious symbols in public areas'. The group is currently preparing an international congress which is scheduled to take place on 12 and 13 November 2008.

The government also feels that more attention should be devoted to tolerance, debate, and discussion of court judgments involving fundamental rights, and to that end it is working on a broad action plan to promote the knowledge and understanding of fundamental rights. Part of this plan is to make the constitution more accessible to the public at large during the next round of amendments.

### ***2.3 Direct effect of international law, international treaties and resolutions of international institutions in the national legal order***

The Dutch government has been subjected to criticism because certain provisions of international law, treaties and resolutions of international institutions do not have direct effect in the national legal order. This criticism has come from both national and international sources, ranging from domestic civil society organisations to UN treaty bodies. Recent examples of this are cases in which the parties concerned unsuccessfully invoked provisions of the Convention on the Elimination of Discrimination against Women (CEDAW) or the International Covenant on Economic, Social and Cultural Rights (ICESCR).

A distinction should be made between the direct effect of provisions of international law and the binding nature of provisions of international treaties. The latter is beyond dispute. However the Netherlands has a qualified monistic legal system. In a monistic system the courts must, in principle, apply not only national rules but also the provisions of treaties and resolutions of international institutions, with the latter two categories of law prevailing if the domestic legislation is incompatible with them. The Dutch system is characterised as a 'qualified' monistic system because the provisions of treaties and resolutions of international institutions can only be applied if they (a) are binding on all persons and (b) have been published.

Because Dutch courts can apply the provisions of treaties and the resolutions of international institutions without the need for implementing legislation, they also have the authority to determine whether such provisions or decisions are binding on all persons. Experience shows that the more provisions or resolutions are formulated in general terms and the more action

they require on the part of the state, the less likely the courts are to rule that they have direct effect. Provisions of this kind give the state more latitude to make a variety of policy choices.

The Netherlands is party to the major human rights instruments adopted within the UN framework: the International Convention on the Elimination of All Forms of Racial Discrimination, the International Covenant on Civil and Political Rights (and its Optional Protocol), the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women (and its Optional Protocol), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the Convention on the Rights of the Child (and its Optional Protocol on the sale of children, child prostitution and child pornography).<sup>6</sup>

The Netherlands is regularly taken to task about a number of treaties (or protocols) that it has not yet signed or ratified. In the pledge for re-election to the Human Rights Council, the Netherlands stated that it would ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (OPCAT) and the Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflicts (CRC OP AC). In both cases, the ratification process is ongoing. The same applies to the Convention on the Rights of Persons with Disabilities.<sup>7</sup> The Netherlands has yet to sign the recent Convention for the Protection of All Persons from Enforced Disappearances, though it intends to do so.

The negotiations on the Optional Protocol to the ICESCR have not yet been completed. The Netherlands has adopted a constructive position in those talks. This country has not signed the Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families because it is opposed in principle to rights that could be derived from this convention by aliens without legal residence rights.

The Netherlands is also party to a great many human rights instruments that originated within the Council of Europe. It is involved in the human rights dimension of the internal and external policies of the EU. As a member of the OSCE the Netherlands is politically bound by agreements reached within that organisation on principles like freedom of religion and the duty to fight discrimination.

## ***2.4 The role of human rights in national legislation***

Both Dutch NGOs and UN treaty bodies have been critical of the fact that new legislation in the Netherlands is not subject to a specific human rights impact assessment. The absence of such an assessment does not, however, mean that the human rights are not taken into account in the legislative process. When a bill is drafted, the process always includes an examination of its compatibility with the standards laid down in international human rights instruments. This evaluation occurs not just once, but several times during the legislative process.

The drafters of new legislation are guided by a set of ‘legislative instructions’ (Aanwijzingen voor de Regelgeving), which contain the quality standards that all new laws must meet. In each case, a check must be made to determine if there are higher rules that constrain the legislator in drafting new law. Obviously, these higher rules also include the standards laid

---

<sup>6</sup> The last of these does not apply to the Netherlands Antilles.

<sup>7</sup> The Netherlands has not yet signed the Optional Protocol to this Convention.

down in international human rights instruments. The instructions also stipulate that the explanatory memorandum appended to new laws should also address the law's relationship to other legislation and international law. In the case of statutory measures that could result in the curtailment of a fundamental right, the explanatory memorandum will clarify whether the intended measures are in accordance with the law, whether they serve a legitimate purpose and whether they are necessary in a democratic society. Determining compatibility with fundamental rights is thus an important evaluation in the first phase of drafting a bill.

Human rights are also given ample attention in subsequent phases. In the draft phase, external stakeholders (e.g. representatives of the legal profession, the judiciary and the Data Protection Authority) are consulted about new statutory measures. The explanatory memorandum appended to every bill contains an in-depth discussion of the advice provided by these individuals and organisations – input that often leads to changes in the bill.

The Ministry of Justice has a special responsibility in ensuring the quality of legislation. It shares this responsibility with the Ministry of the Interior (for constitutional elements like compatibility with fundamental rights) and with the Ministry of Foreign Affairs (for compatibility with international treaties). Before a bill is ready to be sent to the cabinet, the relevant ministries determine if human rights are adequately addressed in the explanatory memorandum. An effectiveness test is used to assess if the intended effects in areas like have been identified and the reasons on which this conclusion is based.

Once consent has been obtained from the cabinet, the bill is sent to the Council of State, which advises the government and parliament on matters of legislation and governance. The Council of State subjects the bill to a series of tests (a policy analysis, a legal review, and a technical test to determine if the bill meets certain formal requirements) and establishes whether it complies with the standards laid down in international human rights instruments. If it is unclear whether the bill does so, the Council will issue a recommendation.

Assessing compliance with standards laid down in international human rights instruments is also an important part of the parliamentary legislative process. Parliament can ask the government to perform an impact assessment in order to explore certain effects of proposed legislation. An example of this would be a gender equality impact assessment. Moreover, a substantial number of laws contain an evaluation provision whereby the legislator is expected to review the legislation after a number of years. Obviously, such an evaluation could also focus on the possible effect on fundamental rights.

### **3. Promotion and protection of human rights on the ground**

#### **3.1. Equal treatment**

*'All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.'*<sup>8</sup>

---

<sup>8</sup> Article 1 of the Dutch Constitution

### 3.1.1. Introduction

The Netherlands has a range of legislation applying the principles enshrined in article 1 of its Constitution. For example, the Equal Treatment Act, in effect since 1994, protects residents of the Netherlands from any form of discrimination on the grounds of religion, belief, political opinion, race, sex, nationality, heterosexual or homosexual orientation or civil status. At the same time as this Act entered into force in 1994, an Equal Treatment Commission was established to oversee its enforcement. Anyone who feels that he or she has been discriminated against can resort free of charge to the Commission, which decides whether the law has been broken. Only the courts have the power to make binding judgments, however. The Commission also makes solicited and unsolicited recommendations to legislators and can independently investigate alleged discrimination.

An evaluation of the Equal Treatment Act in 2007 revealed that the general public is not familiar enough with the Act, which undermines its effectiveness. This is in keeping with findings by treaty bodies and NGOs that, in general, knowledge of fundamental rights in the Netherlands is not what it should be. The government is trying to address this problem in several ways, for example through initiatives in the area of human rights and citizenship education and by making the Constitution more accessible. Details of these efforts are given elsewhere in this report. The Equal Treatment Commission provides public education and designs educational packages for schools, including *Iedereen anders en gelijk* (Everyone is different and equal), which aims to make 15 and 16-year-olds aware of Dutch norms for equal treatment and discrimination.

In addition to the Equal Treatment Act, in 2003 the Equal Treatment of Disabled and Chronically Ill People entered into force, for which the State Secretary for Health, Welfare and Sport is responsible. The Act applies to employment and vocational education and will eventually apply to public transport, although those provisions have not yet entered into force. A bill to extend its application to housing and primary and secondary education is now before the House of Representatives.

The mechanisms whereby individuals can challenge discrimination are currently being strengthened. Local and regional antidiscrimination bureaus and the former National Bureau against Racial Discrimination have pooled their forces and expertise to form the new national association Art. 1.9 With this merger the Netherlands has acquired an instrument, unique in Europe, to prevent and combat discrimination on whatever grounds (sex, colour, age, disability, belief, sexual orientation, etc.). With the local and regional antidiscrimination bureaus as members and the former National Bureau against Racial Discrimination as its national office, Art. 1 will make it possible to develop and share knowledge of discrimination and how to combat it. It will also improve the system for recording complaints at both national and local level.

By 2009 the network of antidiscrimination bureaus to combat discrimination on any grounds whatever is planned to cover the entire country. Besides providing assistance to victims of discrimination, recording reports of discrimination will also be one of these bureaus' central tasks. A public information campaign will be launched in 2009 to alert victims of discrimination to the possibility of filing reports.

---

<sup>9</sup> Pronounced 'article one'; named after article 1 of the Constitution.

### **3.1.2. Racism**

The Minister for Housing, Communities and Integration is responsible for coordinating government efforts to combat racism. A policy plan is currently being developed that aims especially to combat racial discrimination on the labour market, in law enforcement and criminal investigation, and on the internet. Attention is also being paid to combating the extreme right and Islamophobia in Dutch society. The policy plan will be presented to Parliament in mid-2008.

In 2006 the Equal Treatment Commission adopted findings in response to 41 complaints about discrimination against ethnic minorities in the workplace. Local antidiscrimination bureaus receive about 450 complaints annually on this subject.<sup>10</sup> In almost half of the 41 findings, the Commission held that the law had been broken. These findings mainly concerned cases of discrimination on the grounds of religion, in which it was relatively easy to prove that religion (e.g. wearing a headscarf) was an issue. On the other hand, in more than half the cases concerning racial discrimination the Commission found that the law had not been broken. Most of these were cases involving verbal insults, in which discrimination is much less easy to prove.

One recent major development in the field of criminal law is the decision to step up the investigation and prosecution of racial hatred, and of violence and other crimes resulting from racial hatred. As a result of this decision, the police and Public Prosecution Service are taking a far more active and pro-active approach on both the street and the internet, and the police are now required always to consider complaints of racial hatred. From 1 January 2008, furthermore, local authorities, the police and the Public Prosecution Service are required to hold regular tripartite consultations on discrimination.

The government sent a final report to Parliament in 2007 on the National Action Plan against Racism for 2003-2007, which had been drafted in consultation with Dutch NGOs for the World Conference against Racism in Durban, South Africa. The plan's goals have been attained; improvement is particularly notable in the fields of record-keeping, investigation and law enforcement by the police and Public Prosecution Service. There has also been progress in tackling discrimination on the internet, in the hospitality industry and on the labour market. In addition, the first biannual Racial Discrimination Monitor was published in 2006, including extensive research among 1700 people on their experiences with discrimination. The first Discrimination Monitor was also published in 2007, with an investigation of discrimination against non-Western ethnic minorities on the labour market.

### **3.1.3. Women (gender mainstreaming)**

The Minister of Education, Culture and Science is responsible for coordinating Dutch gender equality policy. He not only promotes the gender equality policies that different ministries develop and implement, but also makes agreements on cooperation on and support for measures to strengthen the equal opportunities process, at both national and international level. The business community and appropriate civil society organisations are consulted. The government will evaluate the different ministries' equal opportunities policies in 2010.

---

<sup>10</sup> 80% of these complaints concern alleged racial discrimination; 17% concern discrimination on the grounds of religion. Most of the complaints in the latter category are made by Muslims.

In September 2007, the Dutch government set the priorities for gender equality policy for 2008 to 2011 in the policy document *Improving Women's Prospects*. Dutch gender equality policy is premised on an ongoing endeavour to promote equal opportunities. It is aimed at promoting equal rights, opportunities, freedoms and responsibilities for both women and men in society. It is also meant to improve women's position and encourage their participation in society, with the goal of increasing the number of hours that women work and ensuring that their talents and qualities find the best possible expression. The Equal Treatment Act and the UN Convention on the Elimination of All Forms of Discrimination against Women are pillars of Dutch equal opportunities policy.

The government and social partners have set a target of increasing the overall rate of both women's and men's participation in the workforce to 80% by 2016. In order to accomplish this a comprehensive number of measures will be introduced, among which special measures to improve the participation of women are foreseen. Improvements in the accessibility and quality of childcare and an extension of parental leave from 13 to 26 weeks will make it easier and more attractive to combine care with waged work. In addition to this there will be an additional tax incentive to increase the financial rewards of waged work. The government is also supporting municipalities that have already made far-reaching agreements with parties in the healthcare and service sectors on convenient opening times, service provision adapted to specific locations, and flexible working hours.

The policy document also says that the number of women in senior positions must be increased and that government should set an example in this regard. Among the document's other main objectives are providing opportunities to and taking advantage of the talents of women from ethnic minorities; preventing and combating violence against women; and making fundamental improvements in the position of women worldwide. In response to the current public debate about the sexualisation of society, leading to girls and women being portrayed as sex objects, the document also pays considerable attention to equipping young people to resist sexual and other violence, for example through programmes at school and young people's own media such as popular websites, music channels and television programmes.

The CEDAW Committee has expressed concern in the past about the persistently low numbers of women in the upper regions of the Dutch labour market. The government would like to set a good example in this regard, and the policy document announces measures to increase the proportion of women in top positions in the Senior Public Service to 25% by 2011.

The CEDAW Committee also recommended that the Netherlands take effective measures to eliminate discrimination against women refugees and other women from ethnic minorities both in society at large and in their own communities. To increase participation by ethnic minority women, the government is making agreements with municipalities to give a fresh impetus to local initiatives to increase the resilience and advance the personal development of women and girls from ethnic minorities. Appropriate sectors are also being encouraged to create paraprofessional jobs for ethnic minority women.

The Netherlands' next report to CEDAW will discuss its recommendation to begin breaking down statistical data by sex and ethnicity so as to monitor the effects of legislation and policy.

## **3.2. Violence in dependent relationships**

### **3.2.1. Introduction**

In December 2007, a policy letter was published about tackling domestic violence, honour-related violence, female genital mutilation and trafficking in persons. These forms of violence all inflict great psychological and physical harm on their victims (mostly women but also men) and those around them. Together with the Association of Netherlands Municipalities, the Ministry for Health, Welfare and Sport has established an action programme to address this problem. The additional funding earmarked for the programme will rise to €2 million by 2012.

The government has set the target of providing immediate, safe shelter for victims of violence in dependent relationships. These shelters will include an additional 100 places a year for the men and women who are most at risk, such as victims of honour-related violence. In addition, victims and their children, and perpetrators as well, must receive effective, timely help so that they can lead lives free of violence. To this end, the quality of the shelters and care will be improved and the Domestic Violence Advice and Support Centres will be reinforced. The professionals concerned will also be expected to spot and prevent violence or the risk of violence at an earlier stage.

### **3.2.2. Domestic violence**

Several UN treaty bodies (CEDAW, CESCR and CAT) have expressed concern about aspects of Dutch domestic violence policy. The Special Rapporteur on Violence against Women, Ms Yakin Ertürk, commented after her visit to the Netherlands in July 2006 that while many worthy efforts are being made to combat violence against women nationally and locally, she regretted that this is being done in a gender-neutral way. In her view, this means that the programmes neglect the root causes of the problem.<sup>11</sup>

The new programme Dealing with Domestic Violence will take account of these criticisms. In the coming months, it will be considered whether a gender-specific formulation of policy is advisable, and if so, just how gender-specific policy could aid in dealing with domestic violence. An intensive public information campaign will also be organised to promote more knowledge and awareness of the gender-related character of domestic violence, notably through a training course on gender and domestic violence. Instruments for gender analysis of policy will also be used.

Domestic violence is no more common in the Netherlands than in other countries. Nevertheless, violence in the private domain is the most prevalent form of violence in our society and occurs in all socioeconomic strata and all cultures. Victims of domestic violence are usually women and children – men are the perpetrators and women the victims in about 80% of the cases – but victims also include men, parents and the elderly. Research has shown that 40% of the Dutch population have experienced domestic violence at least once.<sup>12</sup> Almost a third of those affected have their lives drastically changed as a result.

---

<sup>11</sup> A/HRC/4/34/Add.4

<sup>12</sup> T. van Dijk et al., 'Huiselijk geweld: Aard, omvang en hulpverlening' [Domestic violence: Nature, extent and professional care], Intomart, 1997, p. 45.

Domestic violence is unacceptable; nothing can justify it. It is always an offence under Dutch criminal law, as is every form of violence, regardless of whether it takes place in the public or private domain. Restraining orders are also an option under private law.

There has been a major development in this regard in the area of administrative law. In situations that present an acute threat to victims and any children that may be involved, or in cases of grave suspicion of domestic violence, the police can by order of the mayor enforce a domestic exclusion order against the perpetrators or suspects for a period of ten days. This domestic exclusion order can be reviewed within three days by a court, which can revoke it, uphold it or extend it to a maximum of four weeks. Domestic exclusion orders can also be issued in cases of child abuse. In the ten-day period that domestic exclusion orders are in effect, a social work plan is developed for those concerned.

From 2002 to 2008, as part of the programme ‘Private Violence – a Public Matter’, a number of measures were taken to combat domestic violence. For example, an internet portal was opened<sup>13</sup> and a public information campaign started up, including a national hotline to which domestic violence can be reported. In 2007 an Act was passed making the use of violence in childrearing a criminal offence, and a guide was published to help children who have witnessed domestic violence.

### **3.2.3. Trafficking in persons**

Like other countries, the Netherlands faces the challenge of combating trafficking in persons. Human trafficking is a modern form of slavery. Adults and children are bought and sold across borders or in their own countries with the intent of exploiting them and are in fact exploited. This is a very serious infringement of human dignity and integrity. Human traffickers capitalise on and profit from their victims’ vulnerable economic position.

As trafficking in persons is a global phenomenon, European and international cooperation is necessary to combat it effectively. It is a serious, often organised form of crime, at both national and international level. It is a source of great wealth to the perpetrators, while its victims are systematically exploited. As human trafficking has a negative impact on its victims’ ability to exercise their human rights, the fight against it takes place in part in a human rights framework. Many NGOs as well as CAT, CEDAW, HRC and CESCR have expressed concern about policy on combating human trafficking.

The Dutch government is taking vigorous measures, including by tightening up legislation and stepping up its policies, to combat trafficking in persons and exploitation in the sex industry. The fact that the Netherlands in April 2000 became the first country to appoint a National Rapporteur on Trafficking in Human Beings, supported by the Bureau of the National Rapporteur, shows the great importance that the Netherlands attaches to a comprehensive approach to the problem. The National Rapporteur is charged with reporting on the nature and extent of human trafficking in the Netherlands and the effectiveness of policy to combat it. Her reports include information about relevant legislation, prevention, investigation and prosecution of traffickers, and professional care for their victims. They also make recommendations on how to improve anti-trafficking efforts. The National Rapporteur is independent and reports directly to the government, which sends its responses to her reports to the House of Representatives. The reports are public. The National Rapporteur and

---

<sup>13</sup> See [www.huiselijkgeweld.nl/english.html](http://www.huiselijkgeweld.nl/english.html).

her staff have the authority to examine police and criminal justice files. Due to the cross-border nature of the problem, they have many contacts with foreign and international organisations.

In December 2004 the Dutch government adopted its first National Action Plan to Combat Trafficking in Human Beings, a comprehensive, multidisciplinary framework for anti-trafficking policy. The Action Plan includes 65 specific action points in the areas of human rights, legislation, prevention, protection of victims, investigation and prosecution of traffickers, research and record-keeping. In February 2006 Supplementary Measures to the National Action Plan were adopted. Many action points have been implemented swiftly by all the implementation agencies and government departments concerned. The focus of many of the measures is on setting up good coordination structures, improving operational collaboration between the many different services involved in the fight against human trafficking, protecting victims and providing better information on trafficking. Some of the specific achievements are described briefly below.

The Expertise Centre for Human Trafficking and People Smuggling was launched on 18 May 2005. The centre is a partnership between the National Crime Squad (part of the National Police Services Agency (KLPD)), the National Criminal Intelligence Department (also part of the KLPD), the Royal Military and Border Police (Koninklijke Marechaussee), the Immigration and Naturalisation Service and the Social Security Information and Investigation Service. It acts as a central point for gathering, combining, refining and analysing information on and knowledge of people smuggling and human trafficking and making it accessible to investigation services. The centre is responsible for providing operational and strategic analysis and information services to all partners in the system, with a view to identifying connections and aiding detection. It also provides training for various investigation services and partners in the fight against human trafficking.

A national public prosecutor for human trafficking has been appointed, with the task of overseeing the human trafficking cases being investigated by the National Crime Squad. The national public prosecutor is also responsible for coordinating the investigation and prosecution of human trafficking. Each public prosecutor's office has one prosecutor who acts as the human trafficking liaison. These prosecutors attend national specialist meetings at the Public Prosecution Service to exchange knowledge, expertise and information and to identify problem areas.

The Public Prosecution Service's Board of Procurators General has issued instructions on human trafficking that came into effect on 1 April 2006, containing policy rules on the enforcement of criminal law in cases of human trafficking and other forms of exploitation. In accordance with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, forms of exploitation other than sexual exploitation have been criminal offences under the Dutch Criminal Code since 2005. The Expertise Unit on Youth Prostitution (LIJ) was launched in February 2005 with broad responsibilities in the field of youth prostitution. It has been given the tasks of getting the issue onto the political agenda, acting as an information point, gathering facts and figures, identifying best practices and elements suitable for an integrated approach, and advising on a multi-year strategy.

The B9 scheme, named for the chapter of the Aliens Act Implementation Guidelines that established it, aims at helping victims of trafficking in persons by enabling them to report the offence without having to fear immediate expulsion. Under current policy, reporting the

offence is a precondition for legal residence; it entitles the victim to a residence permit for as long as the criminal investigation takes. In the future, where there is a question of acute need, a residence permit may be granted even if the offence is not reported, in keeping with a recommendation by the CEDAW Committee. The policy on permits for continued residence for victims of trafficking is also being modified, in line with a recommendation by the National Rapporteur on Trafficking in Human Beings. While current policy makes conviction of the perpetrator a precondition for the victim's continued residence, the possibility will now be considered of granting the victim an independent residence permit even if the perpetrator has not been convicted.

The general ban on brothels was lifted in October 2000. As a result, it is no longer a criminal offence to run a sex establishment where adult sex workers work of their own free will, provided certain conditions are met. Evaluations of this policy in 2001 and again in 2007 and the findings of the National Rapporteur on Trafficking in Human Beings have led to new measures on the sex industry. The government has also announced planned new legislation aimed at tightening and harmonising the licensing system, intensifying oversight and law enforcement and improving working conditions.

### **3.3. Refugees/asylum**

The international obligations that the Netherlands has entered into – especially the Convention relating to the Status of Refugees, the European Convention for the Protection of Human Rights and Fundamental Freedoms, and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment – continue to be determining factors in Dutch policy on immigration and asylum.

As the Netherlands is a member state of the European Union, Dutch immigration and asylum policy is also determined by legislation that has been adopted or should be adopted at European level. With a view to creating an area of freedom, security and justice, the EU is working to harmonise European asylum and immigration policy, both procedurally and substantively. A single, uniform asylum procedure and a single, uniform asylum seeker's status should be in place by the end of 2010.

The international legal framework gives the Netherlands some limited room to influence the number of aliens who come to the Netherlands as a result of migratory pressures in other parts of the world. In principle, migrants are not admitted to the Netherlands except in cases of binding international obligations, vital Dutch interests or compelling humanitarian reasons. Dutch policy is aimed at ensuring that admission to, residence in and departure or return from the Netherlands are well regulated and controlled and are socially responsible from both a national and international point of view.

Aliens policy will focus particularly in the coming years on developing an innovative, contemporary migration policy, in which the needs of the Dutch economy and society and the economic and social contributions that migrants can make will have a central place. Policymaking will pay particular attention to simplifying the system of permits and improving and expediting admission procedures. Asylum policy will also be reviewed.

The Netherlands faces the problem in aliens law of families that are not eligible for residence but may nonetheless resist their expulsion. In such cases the detention of aliens may be necessary in order to make expulsion possible. Aliens detention is limited by law to the

period that is strictly necessary for the purpose of expulsion. The government would prefer never to detain children, but this is sometimes unavoidable, especially when there is a substantial likelihood that aliens will go underground immediately before their involuntary departure. This would not only prevent their expulsion but cause the authorities to lose sight of them altogether. In the past, minor children of failed asylum seekers were sometimes detained for prolonged periods. In part in response to interventions by UNICEF, NGOs for the rights of the child, and the Dutch Parliament, the government has decided to limit the detention of children to a maximum of two weeks. It has also earmarked €3 million to make detention centres more child-friendly and to organise activities for children.

## **4. Identification of achievements, best practices, challenges and constraints**

### ***4.1. Achievements and best practices***

#### **4.1.1. Independent scrutiny of the actions of public authorities**

There are a number of independent bodies in the Netherlands that can scrutinise the actions of public authorities. The National Ombudsman investigates, on request or of his own accord, actions taken by administrative authorities of the State and other administrative authorities designated by or pursuant to Act of Parliament. The Ombudsman's decisions are not legally enforceable. He therefore has to rely on the authority he has built up, mainly through the quality of his work, consisting of a careful investigation of the facts, a well-argued and cogent assessment and a readable report. The office of National Ombudsman has been enshrined in the Constitution since 1999.

Another independent body is the Equal Treatment Commission (also mentioned in sections 3.1.1 and 3.1.2), which monitors observance of the Equal Treatment Act. The Data Protection Authority monitors observance of the Personal Data Protection Act, the Data Protection (Police Files) Act and the Municipal Database (Personal Records) Act, and checks that personal data is used and protected carefully and that ordinary people's privacy will continue to be safeguarded in the future. The use of personal data must be reported to the Data Protection Authority, unless it has granted an exemption.

#### **4.1.2. Tightening provisions in criminal law to combat discrimination**

On 1 February 2004 legislation on discrimination came into force, making systematic discrimination a separate offence and doubling the penalty in comparison to that imposed for other types of discrimination. The legislation defines systematic discrimination as follows: discrimination on the part of a person who makes an occupation or habit of such discrimination; or discrimination on the part of two or more persons acting in concert. The legislation thus emphasises the gravity of more serious forms of discrimination. The introduction of legislation criminalising discrimination on the grounds of disability was accompanied by a comprehensive information campaign targeting office culture and individual professions and trades, conducted mainly through specialist publications. The campaign also made specific information available to the disabled.

Since 1 January 2006, discriminating against a person because of that person's functional or other impairment has been a criminal offence. The incitement of hatred or violence against such people may also result in criminal proceedings. The legislation concerns discrimination against people with a physical, mental or intellectual impairment. Criminal proceedings may be brought against businesses or services that, for no good reason, are inaccessible to people with a functional or other impairment. People with a functional or other impairment may report such cases to the police. Under the ban on discrimination, certain businesses may be compelled to put in place the facilities that they lack. However, it must be 'reasonable' to expect the business to provide the facilities, and they must not place a 'disproportionate burden' on it. These questions are decided by the courts.

#### **4.1.3. Open invitation to all UN Special Procedures mandate holders**

The Netherlands will continue to cooperate unreservedly with the treaty organisations as it has in the past and confirms that its open invitation to all Special Procedures mandate holders to visit the Netherlands will continue to stand without restrictions. The Netherlands cooperates constructively with such visits from special human rights rapporteurs and does not place any obstacles in their way. The most recent example is the visit of the Special Rapporteur on violence against women, Yakın Ertürk, who had talks with representatives of parliament, the opposition, NGOs etc. in 2006. We place great value on these visits, since they are an excellent instrument for ensuring and monitoring the implementation of human rights standards, in the Netherlands as elsewhere. The government studies the recommendations of the special rapporteurs – and those of the treaty bodies – with great interest. They are often translated into Dutch and, partly thanks to the efforts of NGOs, widely disseminated.

#### **4.1.4. Forging coalitions with civil society**

The Dutch government is open to input from society at large. The social issues we face today are too complex to yield to ready-made government solutions. We think that policies arrived at through dialogue are more workable and more effective than those conceived on the government's drawing board. This approach is about more than just garnering support for measures. In our view, it results in better policy. This is why the government endeavours where possible to forge alliances with civil society organisations so that societal ambitions can become common projects. This also holds true in the area of human rights. For example, in setting up the human rights education platform, the Ministry of the Interior and Kingdom Relations consulted a large number of NGOs. Another example is the National Action Plan against Racism 2003-2007, which was drawn up in consultation with NGOs.

#### **4.1.5. International commitment**

Every year the Netherlands spends 0.8% of its GNP on global poverty reduction and is therefore one of the very few countries that meets the applicable UN target. This contribution enjoys broad backing from the Dutch public and demonstrates the great willingness of the Netherlands to support development for the benefit of the very poorest people in the world. Part of the contribution is used specifically to protect and promote human rights. The Netherlands seeks in this way to enhance freedom, justice and human dignity for every individual. Our new human rights strategy, 'Human dignity for all', includes 102 specific proposals that set out how we intend to achieve this aim. The Netherlands has had a Human

Rights Ambassador since 1999. The Ambassador's core duties are conducting foreign missions, strengthening the dialogue on human rights with the Dutch public and integrating human rights in all the activities of the Ministry of Foreign Affairs.

#### **4.1.6. International law**

The Netherlands is one of the few countries in the world whose Constitution enjoins the government to promote the development of the international legal order.<sup>14</sup> This has long been a cornerstone of Dutch foreign policy. It is partly for this reason that the Netherlands has been willing to host international organisations, especially international courts and tribunals. The International Court of Justice is based at the Peace Palace in The Hague, as is the Permanent Court of Arbitration. The Hague also hosts the International Criminal Tribunal for the former Yugoslavia, the Appeals Chamber of the International Criminal Tribunal for Rwanda, and – since 2002 – the International Criminal Court. Moreover, it was decided in 2007 that the Special Tribunal for Lebanon would have its seat in The Hague. The presence of these courts and tribunals prompted former UN Secretary-General Boutros Boutros-Ghali in the mid-1990s to dub The Hague ‘the legal capital of the world’.

### **4.2. Challenges and constraints**

#### **4.2.1. Security and classic fundamental rights**

The terrorist threat has thrown up new dilemmas in recent years, not just in the Netherlands but also in many other countries. It is incumbent on states to take all reasonable steps to protect their citizens from life-threatening situations. Protecting the public from security threats has traditionally been a core duty of government, but measures to ensure security can conflict with fundamental rights. Dutch NGOs have expressed concern about this conflict on several occasions.

The government is mindful of these concerns and, when taking counterterrorism measures, tries to strike a fair balance with the classic fundamental rights of individuals that may be curtailed by these measures. It proceeds from the principle that, in seeking to protect ourselves and our values, we should avoid compromising those values. They include the right to privacy, personal freedom, safety, the right to a fair trial, and freedom of expression. The treaty provisions in which these fundamental rights are laid down are not formulated in absolute terms and leave room for such a balance to be struck.

As explained in section 2.4, a number of checks are built into the legislative process at various stages to assess the compatibility of new legislation with fundamental rights, and particular attention is paid to this question in the explanatory memorandum to new pieces of legislation, as in the explanatory memorandum to the bill to amend the Criminal Code, the Code of Criminal Procedure and certain other pieces of legislation with a view to extending powers to investigate and prosecute terrorist offences. It specifically addresses the relationship between the powers which the bill would extend and the consequences thereof for suspects' right to the privacy of the home, family life, and correspondence. After these checks and balances in the legislative process, it is the task of an independent court in

---

<sup>14</sup> ‘The Government shall promote the development of the international legal order’ (Article 90).

specific cases to assess the application of legislation in the context of counterterrorism activities.

#### **4.2.2. Human rights education**

The treaty bodies created under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Racial Discrimination have in the past noted that human rights could be given more attention in Dutch education. Some participants at the consultative meetings with civil society organisations that preceded the drafting of this report also commented that there was little knowledge or discussion of human rights in the Netherlands. The government takes this criticism seriously and organised a conference on human rights education in March 2007 in conjunction with a number of human rights NGOs and others. The conference looked in particular at the place that human rights should be accorded in education, public information and the training of professionals.

One of the conclusions was that while there was a lot going on in the Netherlands in the area of human rights education, the implementation of these initiatives was not effective or permanent. The government therefore devised an action plan together with the relevant stakeholders to consolidate and more clearly define the place of human rights education in society. It should be noted that schools cannot be given explicit instructions on how they should teach pupils about human rights. Human rights are not taught as a subject in their own right, but are placed in a broader context.

On 1 February 2006, an act came into force that obliges schools primary and secondary schools to devote attention to active citizenship and social integration in their curricula. By coming into contact with pupils from different backgrounds at school, children learn about different customs and cultures and are prepared for participation in a diverse society.

#### **4.2.3. Reports to treaty bodies**

The Netherlands considers it very important that reports are thorough, accurate and submitted on time. A great deal of time and energy is devoted to ensuring reports are drafted carefully and coherently and are very informative, e.g. with regard to the implementation of recommendations made by treaty bodies on previous occasions. Since relevant data on a given reporting period, including statistical data, often only becomes available after the deadline, processing the data can cause delays. Sometimes reports are merged.

Reporting requirements place heavy demands on the institutional capacity of states parties. The reporting burden has increased sharply in recent decades. As a result, countries face considerable time pressure when trying to meet the deadlines for reporting to the various treaty bodies. This problem is generally recognised internationally, and is part of a broader debate about reforms to the UN treaty body system in the area of human rights. The Netherlands plays an active role in this debate.

The Netherlands takes the recommendations of UN treaty bodies seriously. For example, the Dutch parliament devoted a separate session to the most recent recommendations of the CEDAW committee and political parties sometimes invoke recommendations in seeking changes to government policy.

#### **4.2.4. Internet**

The explosive increase in the use of the internet, and the opportunities it offers as a relatively anonymous forum for disseminating information, pose new challenges for governments in terms of the protection of human rights. Child pornography, racism and other forms of discrimination demand a specific and targeted approach. The Netherlands has already taken a number of steps in this direction with the establishment of the National Cybercrime Centre, a hotline for discrimination on the internet and the ratification of the Convention on Cybercrime of the Council of Europe.

The rapid developments and increase in the use of the internet demand additional efforts if everyone's rights are to be protected properly. In this regard the government is also seeking to promote media literacy, i.e. the knowledge, skills and mentality that people should possess to be able to consciously and critically navigate a media landscape that pervades all areas of society. The Dutch approach will include the setting up of a centre for media education and expertise.

## **5. Priorities**

### **5.1. Integration**

For many years, the Netherlands ignored the effects the introduction of other cultures, customs and religions could have on the host country. This led to tensions, and increasing intolerance. Integration policy is therefore one of the Dutch government's biggest priorities for the years ahead, and some decisive steps will have to be taken.

Many people of Dutch origin perceive the rapid changes in their living environment as threatening, and they are becoming increasingly unwilling to equate diversity with enrichment. Correction mechanisms no longer work properly, and people are afraid of taking each other to task for aberrant or disruptive behaviour. Tension has sometimes led to violence, and more and more Dutch people feel that minorities and migrants should assimilate.

People of Dutch origin and immigrants still live very much in separate worlds, and this has led to growing polarisation. The social and cultural gulf goes hand in hand with socioeconomic deprivation. Many non-western ethnic minorities and poorly educated Dutch people have too few competences and networks to participate successfully in economic life.

The Dutch government feels the dissatisfaction on both sides, and is fully aware of the urgent need to put an end to polarisation. Opportunities to do so exist, considering that individuals share common interests. These are not only socioeconomic, associated with work, but are also connected with matters such as safety and security, education, childcare, homes and quality-of-life in the community. The government is therefore appealing to groups' shared interests. Ideally, individuals should be aware of their own responsibilities, and those they share with others, so that they can not only assert their interests but also protect them.

The way integration has proceeded in the past few decades has made it abundantly clear that we should not underestimate the differences between cultures and religions. It has also become clear that as society becomes more diverse and individualised, people become less

familiar with the core values inherent to the rule of law, and their implications. That is why it is essential for everyone in the Netherlands to uphold and disseminate the freedoms, rights and obligations that are part and parcel of the rule of law. But that is not enough.

Fundamental rights play an important role in the expectations we should have of each other. Democracy, freedom of religion and association, freedom of expression and equality regardless of political convictions, race, sex or sexual preference are achievements we cherish, and the very reasons why many people came to our country in the first place. The Netherlands underscores that these freedoms are non-negotiable. Everyone living in the Netherlands should be aware of their fundamental rights and should reflect these rights in their dealings with others. Integration therefore also means living with these fundamental rights, which are the same for everyone. Freedom of religion, for instance, means the freedom to practise one's own religion, but also the obligation to respect the religious beliefs of others, and to accept apostasy and the fact that some people may have no religious beliefs at all.

## **5.2. Youth policy**

According to an international comparative study, young people in the Netherlands are very happy with their lives.<sup>15</sup> We want to keep it that way. But at the same time, we should not close our eyes to trends that give cause for concern: the rising incidence of child abuse, the increase in the number of children with behavioural problems and the unhealthy lifestyles of many young people, the number of young people that neither attend school nor have a job, and the number of – increasingly younger – young people that cause problems. The Jaarbericht Kinderrechten, 2008, the first annual report on children's rights in the Netherlands, which was published recently by UNICEF and Defence for Children International, also identifies these trends.

The Dutch government wants to turn the tide, and to make sure that children in the Netherlands can grow up healthy and safe, can develop their talents and enjoy life, can contribute to society and are well prepared for the future. In order to achieve this ambition the Netherlands appointed a Minister for Youth and Families in early 2007. He is responsible for child-friendly and family-friendly policies, supported by parents, families, teachers, professional care works, and the municipal and provincial authorities. With the programme Every Opportunity for Every Child, the Netherlands has made a conscious choice for a new, interministerial approach which makes it possible for ministry departments to work together, take the lead and override other interests in the interests of young people and their families.

There are three strands to this approach. First, families are again to be given the important position they ought to have in the childrearing. Second, more attention will be devoted to prevention, by earlier detection of undesirable situations. And third, undesirable situations will not be allowed to continue. Instead, parents, professionals and government authorities will work towards effective solutions.

The programme also devotes attention to the influence of the various cultural backgrounds of children in the Netherlands. Youth policy must, after all, reach every child and parent equally well. It must be equally effective for everyone, and thus professional, and tailored to society's diversity. New measures include the introduction of an income-related child-specific budget; financial support for households with chronically ill or disabled children and only one

---

<sup>15</sup> Child well-being in rich countries – Unicef 2007

breadwinner; extension of the statutory right to parental leave; and the establishment of Youth and Family Centres combining, wherever possible, medical, social and educational support for parents and their children.

An important development has taken place in relation to secure youth care. There are already numerous services for young people with behavioural problems, and most of their needs can be met. Unfortunately, however, some young people demonstrate such seriously problematic behaviour that the mainstream youth care services can no longer cope with them. These young people need to be treated in a secure setting. Up to 1 January 2008, they were placed in young offenders' institutions, since there was no facility specifically for them, and they often shared the same problems as young offenders. However, this situation became untenable.

NGOs and Defence for Children International Nederland were critical of this state of affairs. Young people with no criminal record do not belong in young offenders' institutions. The government has therefore decided to create secure places in the youth care system, specifically for this group, so that they can receive the help they need.

It will of course take time to build the necessary capacity. For the next two years, therefore, the places already available in secure youth care institutions will be allocated to the most vulnerable young people.

### **5.3 Education**

Parents in the Netherlands are free to send their children to any school they wish. Usually, they will choose a school in their own neighbourhood. However, there are neighbourhoods in Dutch towns and cities where a high percentage of the residents – or one or both of their parents – were born outside the Netherlands. This has an impact on the ethnic composition of the schools. In 2007, 70% of the pupils at 335 of the more than 7,000 primary schools in the Netherlands were from ethnic minorities. Despite freedom of choice, the government is very eager to promote multi-ethnic schools. It is keen to ensure that children attending segregated schools come into contact with each other. Since 2006, therefore, agreements have been reached at municipal level, and schools have to report on what they are doing to counter segregation. Both local authorities and schools can turn for help to the Expertise Centre on Multi-Ethnic Schools, which was set up in 2006. The Education Inspectorate also makes sure schools are making an adequate contribution. Pilot projects will be launched at municipal level in 2008 to explore the best way of tackling this problem.

The ethnic minorities are underrepresented in higher education. In the past ten years, however, the number of students of non-western origin has doubled. The drop-out rate among ethnic minority students is higher than among their Dutch peers – 5% more in higher professional education, and 2% more at universities, after two years. In 2006, therefore, the Ministry of Education, Culture and Science reached performance-related agreements with 21 higher education institutions on promoting the intake, throughput and graduation of ethnic minority students. The aim is that in 2008 ethnic minority students will perform as well as their Dutch peers, and drop out no more frequently. The Ministry earmarked €4.5 million (€1.5 million a year for three years) for this purpose, and education institutions can seek advice from the Diversity Policy Expertise Centre (ECHO), which conducted a baseline study in 2006, and will carry out a final study in 2009. The Ministry also plans to pay extra attention to the performance of ethnic minority students in the major cities. Most of them

attend institutions in the Randstad, the urban conurbation in the west of the Netherlands, and an extra effort here will have a considerable impact.

#### ***5.4 National Institution for the protection and promotion of human rights***

At this moment the government is making the necessary preparations for the final decision-making on the establishment of an easily identifiable, effective and efficient national institution for the protection and promotion of human rights, operating in accordance with the Paris Principles. In doing so, it has acted on a proposal submitted by a consortium comprising the Data Protection Authority, the National Ombudsman, the Equal Treatment Commission, and the Netherlands Institute of Human Rights. The Netherlands pledged to establish a national institution in standing for re-election to the Human Rights Council. The establishment of a national institution enjoys widespread support within the Dutch parliament and among human rights NGOs, and confirms that human rights have long been taken very seriously in the Netherlands.