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COMPILATION PREPARED BY THE OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS, IN ACCORDANCE WITH THE ANNEX TO PARAGRAPH 15 (B) OF RESOLUTION 5/1 OF THE HUMAN RIGHTS COUNCIL

The Netherlands

The present report is a compilation of the information contained in the reports of treaty bodies, special procedure, including observations and comments by the State concerned, and other relevant official United Nations documents. It does not contain any opinions, views or suggestions on the part of the Office of the High Commissioner for Human Rights (OHCHR) other than those contained in public reports issued by OHCHR. It follows the structure of the general guidelines adopted by the Human Rights Council. The information included herein has been systematically referenced in endnotes. The periodicity of the review for the first cycle being four years, most of the documents used as reference are dated after 1 January 2004. In the absence of recent information, the latest available reports and documents have also been taken into consideration, unless they are outdated. Since this report only compiles information contained in official United Nations documents, lack of information or focus on specific issues may be due to non-ratification of a treaty, and/or to a low level of interaction or cooperation with international human rights mechanisms.

I. BACKGROUND AND FRAMEWORK

A. Scope of international obligations[1]

Core universal human rights treaties[2]	*Date of ratification, accession or succession*	*Declarations/ reservations*	*Recognition of specific competences of Treaty bodies*
ICERD	10 Dec. 1971	None	Individual complaints (art. 14): Yes
ICESCR	11 Dec. 1978	Art. 8 (1) (d)	-
ICCPR	11 Dec. 1978	Arts. 10, 12 (1), (2) and (4), 14 (3) (d) (5) and (7), 19 (2) and 20 (1)	Inter-State complaints (art. 41): Yes
ICCPR-OP1	11 Dec. 1978	None	-
ICCPR-OP2	26 Mar. 1991		-
CEDAW	23 July 1991	Preamble, tenth and eleventh paras.	-
CEDAW-OP	22 May 2002[3]	None	Inquiry procedure (art. 8 and 9): Yes
CAT	21 Dec. 1988	Art. 1	Inter-State complaints (art. 21): Yes Individual complaints (art. 22): Yes Inquiry procedure (art. 20): Yes
CRC	6 Feb. 1995	Arts. 26, 37, 40, 14, 22 and 38	-
CRC-OP-SC	23 Aug. 2005 (extension to Aruba 17 Oct. 2006)	None	-

Core treaties to which the Kingdom of the Netherlands is not a party: OP-CAT (signature only, 2005), CRC-OP-AC (signature only, 2000), ICRMW, CPD (signature only, 2007), OP-CPD and CED.

Other relevant main instruments[4]	*Ratification, accession or succession*
Convention on the Prevention and Punishment of the Crime of Genocide	Yes
Rome Statute of the International Criminal Court	Yes
Palermo Protocol [5]	No
Refugees and stateless persons [6]	Yes
Geneva Conventions of 12 August 1949 and Additional Protocols [7]	Yes
ILO fundamental conventions [8]	Yes
UNESCO Convention against Discrimination in Education	Yes

1. The Committee against Torture (CAT) noted with appreciation the ratification of CEDAW-OP.[9] The Committee on the Rights of the Child (CRC) recommended that the Netherlands expedite the ratification of CRC-OP-AC[10] and that it withdraw its reservations to the Convention.[11] The Committee on the Elimination of Discrimination against Women (CEDAW) and the Committee on the Elimination of Racial Discrimination (CERD) encouraged the Netherlands to consider ratifying ICRMW.[12] The Committee on Economic, Social and Cultural Rights (CESCR) regretted the reservation to article 8 (1) (d) of the Covenant in respect of the Antilles.[13] Among its voluntary pledges and commitments in support of its candidacy to membership of the Human Rights Council, the Netherlands stated that it was in the process of completing ratification of OP-CAT and CRC-OP-AC.[14]

B. Constitutional and legislative framework

2. Three committees welcomed the adoption of relevant laws and amendments by the Netherlands, including the adoption of the new legislation on trafficking in human beings in the European part of the Netherlands in 2005 and in Aruba in 2006.[15]

3. In 2007, CEDAW called upon the Netherlands to reconsider its position that not all the substantive provisions of the Convention are directly applicable within the domestic legal order.[16] CRC recommended that the Kingdom ensure that its domestic legislation conforms fully with the Convention.[17] In 2001, the Human Rights Committee (HR Committee) recommended that the State proceed with proposed revision of the Criminal Code in the Antilles at the earliest opportunity, in particular to remove references to the death penalty.[18]

C. Institutional and human rights structure

4. The HR Committee welcomed the creation of the independent National Ombudsman[19] and the Equal Treatment Commission,[20] and CERD the Committee on the Employment of Women from Ethnic Minority Groups.[21] While noting the establishment of institutions on youth in the European part of the Netherlands in 2004[22] and in Aruba in 2003,[23] CRC was concerned about coordination between ministries and between the national and local authorities.[24] It reiterated its previous concern about the absence of an independent mechanism with a mandate to, inter alia, regularly monitor and evaluate progress in the implementation of the Convention.[25] It urged the Netherlands to establish an ombudsman for children in both the European part of the Netherlands and Aruba.[26]

D. Policy measures

5. In 2004, CERD noted with satisfaction the adoption of the National Action Plan against Racism[27] and CEDAW in 2007 welcomed the Dutch multi-year emancipation policy plan.[28] CRC noted with appreciation the efforts to improve coordination of policy and the participation of youth in policy-making.[29] However, CRC regretted the lack of a comprehensive national plan of action for children.[30] CRC recommended the review of the Youth Policy Programme 2001-2005 in Aruba, with a view to including all areas of the Convention.[31]

II. PROMOTION AND PROTECTION OF HUMAN RIGHTS ON THE GROUND

A. Cooperation with human rights mechanisms

1. Cooperation with treaty bodies

Treaty body[32]	*Latest report submitted and considered*	*Latest concluding observations*	*Follow-up response*	*Reporting status*
CERD	2003[33]	March 2004		Seventeenth and eighteenth reports submitted in 2008
CESCR	2006 (Antilles) 1990 (European part)	May 2007 (Antilles) May 1998 (European part)		Fourth report due in 2008
HR Committee	1999[34]	July 2001	April 2003, July 2003 (Antilles) and October 2004	Fourth report submitted in 2007
CEDAW	2005[35]	February 2007	Follow-up report on Antilles due in 2008 [36]	Fifth report due in 2008

Treaty body[32]	*Latest report submitted and considered*	*Latest concluding observations*	*Follow-up response*	*Reporting status*
CAT	2004[37]	May 2007	Due in 2008	Fifth and sixth reports due in 2011
CRC	2002[38]	January 2004		Third report submitted in 2007
CRC-OP-SC				Initial report submitted in 2007, to be considered in 2009

6. CRC, CESCR and CAT requested the Netherlands to submit comprehensive reports covering the European part of the Netherlands, Aruba and the Netherlands Antilles.[39]

2. Cooperation with special procedures

Standing invitation	Yes
Latest visits or mission reports	Special Rapporteur on toxic waste (18-29 October1999),[40] Special Rapporteur on the sale of children, child prostitution and child pornography (30 November-4 December 1998),[41] Special Rapporteur on violence against women (2-12 July 2006)[42]
Visits agreed upon in principle	None
Visits requested and not yet agreed upon	None
Facilitation/cooperation during missions	The Special Rapporteur on violence against women thanked the Government of the Netherlands for its excellent cooperation and support.
Responses to letters of allegation and urgent appeals	Between 1 January 2004 and 31 December 2007, a total of five communications were sent to the Government of the Netherlands. Apart from communications sent concerning particular groups (e.g. migrants), these communications concerned 10 individuals, including three women. The Government of the Netherlands replied to two of the communications (40 per cent).
Follow-up to visits	None
Responses to questionnaires on thematic issues [43]	The Netherlands responded to two of the 12 questionnaires sent by special procedures mandate holders[44] between 1 January 2004 and 31 December 2007, within the deadlines.[45]

3. Cooperation with the Office of the High Commissioner for Human Rights

7. In March 2007, the High Commissioner for Human Rights visited The Hague and met with Government officials to discuss the work of the Human Rights Council and OHCHR, and participated in an event on women in international courts. The Netherlands regularly makes voluntary contributions to support the work of the Office funded from extrabudgetary sources. CAT welcomed the Netherlands' contributions to the United Nations Voluntary Fund for Victims of Torture.[46]

B. Implementation of international human rights obligations

1. Equality and non-discrimination

8. In 2007 CEDAW noted with concern that a political party continues to discriminate against women and exclude them from party posts.[47] It recommended that the Netherlands adopt legislation to bring the qualification for seeking political office into conformity with its obligations under the Convention.[48]

9. While welcoming legislative measures[49] and efforts aimed at combating racist propaganda and the spread of racist and xenophobic material on the Internet,[50] in 2004, CERD remained concerned at the sharp increase in the number of complaints received by the Dutch Complaints Bureau for Discrimination on the Internet.[51] Further, the Committee was concerned about the occurrence in the Netherlands of racist and xenophobic incidents, particularly of an anti-Semitic and "Islamophobic" nature, and of manifestations of discriminatory attitudes towards ethnic minorities. It recommended, inter alia, that the Netherlands continue to promote general awareness of diversity and multiculturalism at all levels of education.[52] At the eleventh session of the Working Group on Minorities (2005), information was presented on the situation of the Muslim minority, mainly of Moroccan origin, in the Netherlands and concern was expressed about instances of increasing Islamophobia. The Government was urged to implement effectively the provisions of ICERD, especially article 2 (2), and to monitor speeches in the media or by public figures to ensure that they did not promote hatred.[53]

10. CERD noted that the Employment of Minorities Act (*Wet Samen*) ceased to be in force on 31 December 2003 and expressed concern about possible negative consequences. It recommended that the Netherlands take adequate policy measures to ensure proper representation of minorities in the labour market.[54] The HR Committee noted that the efforts to enhance the participation of ethnic minorities in the labour market have yet to show significant results. [55]

11. CERD and CRC expressed concern at the situation of de facto school segregation between ethnically Dutch families and families of foreign origin in some parts of the country.[56] CRC was also concerned that societal prejudices and discrimination persist in society.[57]

12. According to the Special Rapporteur on violence against women, women and men of immigrant background are categorically stigmatized, either as victims or perpetrators of domestic abuse, which increases their marginalization.[58] The Special Rapporteur noted that one manifestation of this trend is the increasing discrimination against Muslim women who wear a headscarf at the workplace and in other areas of public life. The Netherlands adopted a proposal to prepare a bill regarding a general ban on wearing a burka or other garments covering the face in the public space.[59] Further, CEDAW was concerned that immigrant, refugee and minority women continue to suffer from multiple forms of discrimination, including with respect to access to education, employment and health and prevention of violence against them.[60] The Committee expressed concern about the persistence of gender-role stereotypes, in particular among immigrant and migrant women and women belonging to ethnic minorities, including women from Aruba. It called upon the Netherlands to undertake awareness-raising campaigns in this regard.[61]

13. In 2007, CEDAW was particularly concerned that racism persists in the European part of the Netherlands, particularly against women and girls. It was further concerned about requirements for many immigrant, refugee and minority women to qualify for independent residence permits. CEDAW and the Special Rapporteur on violence against women expressed concern, highlighted also by UNHCR,[62] that, with the exception of female genital mutilation (FGM), sexual and domestic violence are not recognized generally as grounds for asylum.[63] Further, the HR Committee, while appreciating the new instructions issued by the Immigration and Naturalization Service, noted with concern, also stressed by UNHCR,[64] that a well-founded fear of genital mutilation or other traditional practices in the country of origin does not always result in favourable asylum decisions.[65] Among other recommendations, CEDAW urged the Netherlands to eliminate discrimination against immigrant, refugee and minority women; it encouraged it to increase its efforts to prevent acts of racism, to conduct impact assessments of the laws and policies which affect immigrant, refugee and minority women, and to provide information on the number of women who were granted residence permits, as well as those who were granted refugee status on grounds of domestic violence.[66]

2. Right to life, liberty and security of the person

14. Regarding the Act concerning review procedures on the termination of life upon request and assisted suicide,[67] the HR Committee was concerned in 2001 that the law could be circumvented. The State should re-examine its law on euthanasia and assisted suicide. The *ex ante* control mechanism should be strengthened.[68] The Committee was further gravely concerned at reports that newborn handicapped infants have had their lives ended by medical personnel.[69] CRC noted that euthanasia remained a crime under the Penal Code, but is not prosecuted if committed by a medical doctor who meets the legal criteria.[70] CRC recommended, inter alia, that the Netherlands frequently evaluate, and if necessary revise, the regulations and procedures with respect to the termination of life upon request and strengthen control of the practice of euthanasia.[71] In its follow-up reports to the HR Committee, the Netherlands provided information on measures to be adopted to evaluate the policy and legislation on euthanasia. It also provided a detailed analysis of the findings of the third study of the incidence of euthanasia undertaken in 2001.[72]

15. In 2001, the HR Committee remained concerned that, six years after the alleged involvement of members of the Netherlands' peacekeeping forces in the events surrounding the fall of Srebrenica, Bosnia and Herzegovina, in July 1995, the responsibility of the persons concerned has yet to be publicly and finally determined. The HR Committee, citing articles 2 and 6 of ICCPR, considered that in respect of an event of such gravity it is of particular importance that issues relating to the State's obligation to ensure the right to life be resolved in an expeditious and comprehensive manner.[73] In its follow-up response of 9 April 2003, the Netherlands informed the Committee that in April 2002 the Netherlands Institute for War Documentation presented its report, "Srebrenica, a 'safe' area", to the Government. In view of this report, the Cabinet decided to resign on 16 April 2002. The House of Representatives decided on 25 April 2002 to launch a parliamentary inquiry, to enable it to arrive at a definitive political judgement on, inter alia, the actions of those bearing administrative and military responsibility, before, during and after the events in Srebrenica. The committee of inquiry presented its report to the House on 27 January 2003. The House was expected to engage in debate with the Government in the early part of 2003 on the basis of the report. While disagreeing with the Committee's suggestion that ICCPR is applicable to the conduct of Dutch blue helmets in Srebrenica, the Netherlands asserted its strong commitment to investigate and assess the deplorable events of 1995.[74]

16. While noting the different training programmes for police and prison officers in the three constituent parts of the Kingdom, which cover human rights and the rights of detainees, including the prohibition of torture, CAT regretted in 2007 that there was no available information on the impact of the training or its efficacy in reducing incidents of torture, violence and ill-treatment. The Netherlands should develop and implement a methodology in this regard.[75]

17. The Special Rapporteur on violence against women was concerned in 2006 that no up-to-date national prevalence survey on intimate-partner violence is available, despite a 1997 survey.[76] While noting that the Netherlands seems genuinely committed to addressing domestic violence, ending impunity and protecting victims,[77] the Special Rapporteur was also concerned that the effectiveness of positive measures in combating domestic violence is undermined by serious flaws in the Government's strategic framework.[78] Dutch law largely excludes undocumented immigrant women from access to social welfare benefits. This also means that undocumented immigrant women facing violence are not legally entitled to a shelter paid by the Government.[79] CEDAW was concerned about the persistence of violence against women, including domestic violence, and that there are insufficient data on all forms of violence against women, in particular against immigrant,

refugee and minority women. CEDAW was also concerned that the policy on violence against women is couched in gender-neutral language, which undermines the notion that such violence is a form of discrimination against women.[80] It urged the Netherlands to ensure that free legal aid is provided to all victims of domestic violence.[81]

18. The HR Committee in 2001 and CRC in 2004 were concerned at the continuing high number of reported incidents of child abuse.[82] CRC recommended that the Netherlands, inter alia, carry out public education campaigns about the negative consequences of ill-treatment of children.[83] CRC noted with satisfaction that various concerns and recommendations made upon the consideration of the Netherlands' initial report had been addressed. However, recommendations such as the establishment of an independent mechanism to monitor children's rights have not been given sufficient follow-up and the Committee urged that every effort be made to do so.[84]

19. CAT was concerned that persons in police detention do not have access to legal assistance during the initial period of interrogation. It recommended that the Netherlands review its criminal procedures so that access to a lawyer is guaranteed to persons in police custody from the very outset of their deprivation of liberty.[85] CRC was concerned that the Netherlands does not strictly follow juvenile justice standards and made recommendations in that regard.[86]

20. The Special Rapporteur on violence against women noted in 2005 the entry into force of new legislation that criminalizes all forms of trafficking recognized under the Palermo Protocol.[87] CEDAW was concerned about the number of women and girls who are victims of trafficking and about the exclusion from protection under the relevant regulation of victims who do not cooperate in the investigation and prosecution of traffickers.[88] CEDAW called upon the Netherlands to provide for the extension of temporary protection visas and reintegration and support services to all victims of trafficking.[89] In 2006 two mandate holders sent a joint communication concerning the trafficking of foreign children in the Netherlands for the purpose of facilitating benefit fraud. [90] The relevant ministers are reported to have pledged in the House of Representatives to investigate the matter thoroughly.[91] In June 2006, the Government, after having conducted a thorough investigation, sent a translation of the ministers' report to Parliament to the Special Rapporteurs.[92] CRC was also concerned that in Aruba children are vulnerable to trafficking for the purpose of transporting illegal drugs or sexual exploitation, including sex tourism.[93] It recommended, inter alia, that the Netherlands undertake an in-depth study of trafficking and sexual exploitation of children, including the possible existence of sex tourism.[94] CRC was also concerned about requirements that hamper the prosecution of cases of child sexual abuse.[95]

21. In 2006 the Special Rapporteur on the sale of children, child prostitution and child pornography expressed his concern with regard to the decision by The Hague Court to legalize the Brotherly Love Freedom and Diversity Party (PNVD), which promotes, inter alia, lowering the age of sexual consent from 16 to 12 years. In its response, the Government stated that it is a fundamental right to found a political party and therefore it adopts a restrained attitude to the permissibility of political convictions. It explained that the Public Prosecution Service did not request the court to dissolve PNVD because its aims, however reprehensible, did not meet the legal requirements for seeking such dissolution. The Special Rapporteur, invoking the standards of CRC and CRC-OP-SC, stressed that tolerating unacceptable behaviour such as that advocated by PNVD would undoubtedly impede the full realization of the protection of children, particularly with regard to sexual abuse, child prostitution and child pornography.[96]

3. Freedom of religion or belief and right to participate in public and political life

22. In 2005 the Special Rapporteur on freedom of religion or belief brought to the attention of the Government the situation of a Muslim woman who was reportedly refused a post as Arabic teacher at the Islamic College in Amsterdam based on her refusal to wear a headscarf.[97] Subsequent to the communication, the national Equality Commission ruled in favour of the woman but the school decided to disregard its opinion. The Special Rapporteur has stated that the fundamental objective should be to safeguard both the positive freedom of religion or belief as manifested in observance and practice by voluntarily wearing or displaying religious symbols, as well as the negative freedom from being forced to wear or display religious symbols.[98]

23. A 2006 UNICEF report noted that cross-party alliances of women parliamentarians have successfully advanced the cause of women and children.[99] However, CEDAW reiterated its concern regarding the low presence of women in high-ranking posts in all public sectors and at the low presence of women in elected bodies at the provincial and local levels.[100] Similarly, the Special Rapporteur on violence against women highlighted the fact that in the Netherlands women remain underrepresented in decision-making positions and the labour force in general.[101] CEDAW called upon the Netherlands to use temporary special measures and encouraged it to ensure that the representation of women in political and public bodies reflects the full diversity of the population and to include immigrant, refugee and minority women.[102]

24. CERD encouraged the Netherlands to continue promoting the effective implementation of measures aimed at ensuring that the ethnic composition of the police appropriately reflects the ethnic composition of Dutch society.[103]

4. Right to social security and to an adequate standard of living

25. CRC was concerned at the lack of sufficient mental health services for adolescents in the Netherlands, and the prevalence of drug and alcohol abuse. The Committee was also concerned that teenage pregnancies and sexually transmitted infections are on the rise in the Netherlands[104] and recommended that the Netherlands strengthen programmes on sex education and take effective measures to prevent early pregnancy.[105] It was also concerned that children with disabilities in the Netherlands spend a significant amount of time waiting to access health services and programmes.[106] The HR Committee considered aspects of the Medical Research (Human Subjects) Act 1999 to be problematic. It was concerned that minors and other persons unable to give genuine consent may be subject to medical research under certain circumstances. The Netherlands should reconsider this Act.[107]

5. Migrants, refugees and asylum-seekers

26. CAT expressed concern, also highlighted by UNHCR,[108] at the difficulties faced by asylum-seekers in the European part of the Kingdom in substantiating their claims under the accelerated procedure of the Aliens Act, which could lead to a violation of the non-refoulement principle and article 3 of the Convention.[109] CRC was concerned about the lack of formal asylum and protection procedures in Aruba.[110] CRC was also concerned that the determination and rejection of a significant and increasing proportion of applications for refugee status through the 48-hour accelerated procedure were not in keeping with international standards,[111] while CERD was concerned about the possible risks which the return of a large number of failed asylum-seekers may entail.[112] CAT was particularly concerned that, inter alia, the 48-hour time frame of the accelerated procedure may not allow asylum-seekers to properly substantiate their claims; the accelerated procedure requires asylum-seekers to submit supporting documentation that they are “reasonably

expected to possess", leaving a wide margin of discretion in relation to the burden of proof.[113] UNHCR also raised a number of concerns relating to the accelerated asylum procedure.[114] CAT recommended that applications from all asylum-seekers be processed in such a way that those in need of international protection are not exposed to the risk of being subjected to torture, and that the appeal procedures entail an adequate review of rejected applications.[115] Similarly, CRC and CERD requested that the Netherlands review the Aliens Act to ensure full conformity of its asylum procedures with international standards, and that the return of asylum-seekers respected the principle of non-refoulement and the principles of family unity and appropriate treatment of minors.[116] CAT noted with concern that medical reports are not taken into account on a regular basis in the asylum procedures.[117]

27. In 2004 the Special Rapporteur on the question of torture sent an urgent appeal concerning the detention of a foreign woman of Kurdish origin who was at risk of forcible repatriation to her country of origin. It was reported that her extradition was sought on the basis of allegations that she is a member of an illegal terrorist organization. The Netherlands informed the Special Rapporteur that it would not grant an extradition request unless there were sufficient safeguards for the extradited person to receive a fair trial and be treated in accordance with internationally accepted human rights standards.[118]

28. CAT and CRC expressed concern at the situation of young asylum-seekers. While taking into consideration the Netherlands' clarification that unaccompanied child asylum-seekers in the European part of the Netherlands are placed in detention centres only when there is doubt about their age, CAT recommended that detention be used only as a measure of last resort and that children awaiting expulsion receive adequate housing and education.[119] The Special Rapporteur on violence against women expressed grave concern, highlighted also by UNHCR,[120] that a number of minors disappear from asylum-seeker centres every year and their whereabouts cannot be traced.[121]

29. The Special Rapporteur highlighted the precarious situation of domestic migrant workers, the vast majority of whom are women. In practice, most domestic migrant workers do not hold any work permit and are recruited informally, which makes them vulnerable to unfair labour practices that can amount to exploitation. Cases of racial harassment and isolated instances of physical and sexual abuse of domestic migrant workers have also been reported.[122]

30. In 2005, the Special Rapporteur on the human rights of migrants notified the Government that he had received information concerning the deaths of 11 migrants and injury to 14 others during a fire in a temporary detention centre at Amsterdam's Schiphol airport, in which approximately 350 prisoners were said to be held. The centre had reportedly caught fire on two prior occasions, and it was alleged that earlier recommendations by fire prevention officials may not have been carried out. Moreover, following the incident, lawyers representing survivors of the fire were allegedly not given adequate information regarding their clients' whereabouts and reported insufficient access to their clients.[123]

6. Situation in or in relation to specific regions or territories

31. CAT expressed concern at the excessive length of pretrial detention and the high number of non-convicted detainees in Aruba and in the Antilles. The Netherlands should consider alternative measures to limit the use of such detention.[124]

32. **Aruba**. CEDAW was concerned that there was insufficient information in the report of Aruba, in particular on prostitution and trafficking. It was further concerned about the absence of specific measures to address violence against women in the Penal Code of Aruba.[125] CAT expressed

similar concerns about trafficking in Aruba.[126] CRC was concerned that there is no clearly defined policy on preventing child abuse and neglect and providing assistance to victims in Aruba and that there is no legal prohibition on corporal punishment in the family.[127]

33. In 2003, the Netherlands informed the HR Committee that a new Police Complaints Committee has been appointed.[128] In 2007, CAT welcomed the establishment of the Internal Investigations Bureau to receive and investigate complaints and reports of ill-treatment by police officers in Aruba.[129] However, it was concerned that information related to sexual abuse or assault in the Aruban prison rarely reaches the prison board and that victims are not likely to lodge complaints.[130] Regarding juvenile justice, CRC was concerned that alternatives to detention were limited in Aruba.[131]

34. The HR Committee was concerned that domestic workers who are non-Aruban nationals are often vulnerable to exploitation.[132]

35. **Netherlands Antilles**. In 2001, the HR Committee expressed concern about unlawful conduct on the part of the prison staff in the Antilles, combined with their failure to adequately control the behaviour of inmates.[133] The Netherlands provided information in its follow-up report, notably on the training of police staff.[134] In 2007, CAT, while acknowledging the effort to improve prison conditions in the Antilles, remained concerned at the lack of a separate unit for offenders aged between 16 and 18 who are currently held with either adult offenders or prisoners undergoing psychological observation, and the reported lack of educational programmes for juveniles held in prison.[135] The Committee was also concerned that in the Antilles, the presence of a lawyer during interrogation is only permitted with the prior authorization of a magistrate.[136]

36. CESCR welcomed the measures taken to introduce penalties criminalizing domestic violence in the new Antilles Criminal Code, the introduction of new protective measures under the labour legislation, as well as the special measures to combat school dropout.[137]

37. CESCR expressed its concern about unequal pay for work of equal work between men and women in the Antilles.[138] It noted with concern that an official poverty line has not yet been established and that economic, social and cultural rights have not yet been integrated into the poverty reduction programmes.[139] CESCR expressed further concern at the lack of a system for registration of cases of sexual exploitation and other forms of child abuse, particularly of boys.[140]

III. ACHIEVEMENTS, BEST PRACTICES, CHALLENGES AND CONSTRAINTS

38. In 2007, the Special Rapporteur on violence against women noted that the Netherlands had launched an ongoing interdepartmental project against domestic violence, coordinated by the Ministry of Justice and involving a range of other stakeholders.[141] It has also set up a grant scheme to create 35 Advice and Support Centres on Domestic Violence to provide guidance to victims, perpetrators and others on how to escape or end domestic violence.[142]

39. The Government adopted a zero-tolerance policy towards FGM and a protocol has been introduced in six regions requiring health-care professionals to report detected cases to the Dutch Child Abuse Agency.[143]

40. CAT welcomed the work undertaken by the special team set up in 1998 to investigate and prosecute war crimes and crimes against humanity; the cautious approach with regard to the use of diplomatic assurances; and the Netherlands' policy of not practising extraordinary rendition of suspects.[144]

41. A 2006 World Bank report noted that the Netherlands had met the United Nations target of providing official development assistance equal to or greater than 0.7 per cent of its gross national income.[145]

IV. KEY NATIONAL PRIORITIES, INITIATIVES AND COMMITMENTS

A. Pledges by the State

42. The Netherlands committed, inter alia, to establishing a National Human Rights Institute and to continuing to fight racism. It also emphasized its active contribution to the implementation of economic, social and cultural rights and its extensive development cooperation programme, noting that it had met the 0.7 per cent target.[146]

B. Specific recommendations for follow-up

43. In 2001, the HR Committee requested the Netherlands to provide information within one year on its response to the Committee's recommendations related to euthanasia, the situation of post-natal infanticide, the investigation of events surrounding the fall of Srebrenica, the difficulties concerning the prison system in the Antilles and the implementation of a functioning police complaints authority in Aruba.[147] The Netherlands provided responses concerning the information requested,[148] in which it informed the Committee about the legislative and policy measures being considered or already adopted regarding the recommendations; in particular, it provided very detailed information related to euthanasia and the situation of post-natal infanticide.

44. In 2007, CAT requested the Netherlands to provide information within one year on the follow-up to its recommendations related to imprisoned juveniles in the Antilles and sexual abuse or assault in the Aruban prison.[149]

V. CAPACITY-BUILDING AND TECHNICAL ASSISTANCE

45. CEDAW congratulated the Netherlands for its international assistance and bilateral cooperation programmes designed to promote and protect women's rights and for its efforts, nationally and internationally, to enhance implementation of Security Council resolution 1325 (2000) on women, peace and security.[150]

Notes

[1] Unless indicated otherwise, the status of ratifications of instruments listed below may be found in *Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2006* (ST/LEG/SER.E.25), supplemented by the official website of the United Nations Treaty Collection database, Office of Legal Affairs of the United Nations Secretariat, http://untreaty.un.org.

[2] The following abbreviations have been used for this document:

ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ICCPR	International Covenant on Civil and Political Rights
ICCPR-OP 1	Optional Protocol to ICCPR
ICCPR-OP 2	Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
CEDAW	Convention on the Elimination of All Forms of Discrimination against Women
OP-CEDAW	Optional Protocol to CEDAW
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

OP-CAT	Optional Protocol to CAT
CRC	Convention on the Rights of the Child
OP-CRC-AC	Optional Protocol to CRC on the involvement of children in armed conflict
OP-CRC-SC	Optional Protocol to CRC on the sale of children, child prostitution and child pornography
ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
CPD	Convention on the Protection of Persons with Disabilities
OP-CPD	Optional Protocol to Convention on the Protection of Persons with Disabilities
CED	Convention on the Protection of Persons from Enforced Disappearance

[3] For the Kingdom in Europe and the Netherlands Antilles and Aruba.

[4] Information relating to other international instruments, including regional instruments, may be found in the pledges and commitments undertaken by the Netherlands before the Human Rights Council, as contained in the letter dated 23 February 2007 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the General Assembly (A/61/768, annex), available at http://ww2.ohchr.org/english/bodies/hrcouncil/elections.htm.

[5] Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

[6] 1951 Convention relating to the Status of Refugees and its 1967 Protocol, 1954 Convention relating to the status of Stateless Persons and 1961 Convention on the Reduction of Statelessness.

[7] Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (First Convention); Geneva Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea (Second Convention); Convention relative to the Treatment of Prisoners of War (Third Convention); Convention relative to the Protection of Civilian Persons in Time of War (Fourth Convention); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts (Protocol I); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts (Protocol II); Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III). For the official status of ratifications, see Federal Department of Foreign Affairs of Switzerland, at www.eda.admin.ch/eda/fr/home/topics/intla/intrea/chdep/warvic.html.

[8] International Labour Organization Convention No. 29 concerning Forced or Compulsory Labour; Convention No. 105 concerning the Abolition of Forced Labour; Convention No. 87 concerning Freedom of Association and Protection of the Right to Organize; Convention No. 98 concerning the Application of the Principles of the Right to Organize and to Bargain Collectively; Convention No. 100 concerning Equal Remuneration for Men and Women Workers for Work of Equal Value; Convention No. 111 concerning Discrimination in Respect of Employment and Occupation; Convention No. 138 concerning Minimum Age for Admission to Employment; Convention No. 182 concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour.

[9] Conclusions and recommendations of the Committee against Torture (CAT/C/NET/CO/4), para. 4.

[10] Concluding observations of the Committee on the Rights of the Child: The Kingdom of the Netherlands (Netherlands and Aruba) (CRC/C/15/Add.227), para. 61.

[11] Ibid., para. 11.

[12] Concluding comments of the Committee on the Elimination of Discrimination against Women (CEDAW/C/NLD/CO/4), para. 43 and concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/64/CO/7), para. 16.

[13] Concluding observations of the Committee on Economic, Social and Cultural Rights: Netherlands Antilles (E/C.12/NLD/CO/3/Add.1), para. 14.

[14] See A/61/768, annex.

[15] CAT/C/NET/CO/4, para. 3 (c). See also concluding observations of the Committee on the Rights of the Child (CRC/C/15/Add.277), para. 6 and concluding observations of the Human Rights Committee: Netherlands (CCPR/CO/72/NET), paras. 15 and 22.

[16] CEDAW/C/NLD/CO/4, para. 12.

[17] CRC/C/15/Add.227, para. 13.

[18] CCPR/CO/72/NET, para. 19.

[19] Ibid., para. 3.

[20] Ibid., para. 4.

[21] Concluding observations of the Committee on the Elimination of Racial Discrimination: the Netherlands: European part of the Kingdom (CERD/C/64/CO/7), para. 8.

[22] CRC/C/15/Add.277, para. 4.

[23] Ibid., para. 5.

[24] Ibid., para. 14.

[25] Ibid., para. 20.

[26] Ibid., para. 21.

[27] CERD/C/64/CO/7, para. 4.

[28] CEDAW/C/NLD/CO/4, para. 5.

[29] CRC/C/15/Add.277, paras. 4 and 5.

[30] Ibid., para. 17.

[31] Ibid., para. 19.

[32] The following abbreviations have been used in this document:

CERD	Committee on the Elimination of Racial Discrimination
CESCR	Committee on Economic, Social and Cultural Rights
HR Committee	Human Rights Committee
CEDAW	Committee on the Elimination of Discrimination against Women
CAT	Committee against Torture
CRC	Committee on the Rights of the Child.

[33] Report on the European part of the Netherlands.

[34] Report on the European part of the Netherlands, Aruba and the Netherlands Antilles.

[35] Report on the European part of the Netherlands and Aruba.

[36] See CEDAW/C/NLD/CO/4, para. 46.

[37] Report on the European part of the Netherlands, Aruba and the Netherlands Antilles.

[38] Report on the European part of the Netherlands and Aruba.

[39] CRC/C/15/Add.277, para. 3; CAT/C/NET/CO/4, para. 21; E/C.12/NLD/CO/3/Add.1, para. 46.

[40] See E/CN.4/2000/50/Add.1.

[41] See E/CN.4/2000/73/Add.1.

[42] See A/HRC/4/34/Add.4.

[43] The questionnaires included in this section are those which have been reflected in an official report by a special procedures mandate holder.

[44] See (i) report of the Special Rapporteur on the right to education (A/HRC/4/29), questionnaire on the right to education of persons with disabilities sent in 2006;

(ii) report of the Special Rapporteur on the human rights of migrants (A/HRC/4/24), questionnaire on the impact of certain laws and administrative measures on migrants sent in 2006;

(iii) report of the Special Rapporteur on trafficking in persons, especially women and children (A/HRC/4/23), questionnaire on issues related to forced marriages and trafficking in persons sent in 2006;

(iv) report of the Special Representative of the Secretary-General on human rights defenders (E/CN.4/2006/95 and Add.5), questionnaire on the implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms sent in June 2005;

(v) report of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people (A/HRC/6/15), questionnaire on the human rights of indigenous people sent in August 2007;

(vi) report of the Special Rapporteur on trafficking in persons, especially in women and children (E/CN.4/2006/62) and the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2006/67), joint questionnaire on the relationship between trafficking and the demand for commercial sexual exploitation sent in July 2005;

(vii) report of the Special Rapporteur on the right to education (E/CN.4/2006/45), questionnaire on the right to education for girls sent in 2005;

(viii) report of the Working Group on mercenaries (A/61/341), questionnaire concerning its mandate and activities sent in November 2005;

(ix) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (A/HRC/4/31), questionnaire on the sale of children's organs sent on July 2006;

(x) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2005/78), questionnaire on child pornography on the Internet sent in July 2004;

(xi) report of the Special Rapporteur on the sale of children, child prostitution and child pornography (E/CN.4/2004/9), questionnaire on the prevention of child sexual exploitation sent in July 2003;

(xii) report of the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises (A/HRC/4/35/Add.3), questionnaire on human rights policies and management practices.

[45] The questionnaire on trafficking and the demand for commercial sexual services (see E/CN/2006/67, para. 22 and E/CN.4/2006/62, para. 24) and the questionnaire on the prevention of child sexual exploitation (see E/CN/2004/9, para. 4).

[46] CAT/C/NET/CO/4, para. 3 (i).

[47] CEDAW/C/NLD/CO/4, para. 25.

[48] Ibid., para. 26.

[49] CERD/C/64/CO/7, paras. 5 and 6.

[50] Ibid., para. 11.

[51] Ibid.

[52] Ibid., para. 10.

[53] See E/CN.4/Sub.2/2005/27, para. 19.

[54] CERD/C/64/CO/7, para. 13.

[55] CCPR/CO/72/NET, para. 14.

[56] CERD/C/64/CO/7, para. 12; CRC/C/15/Add.277, para. 30.

[57] CRC/C/15/Add.277, para. 30.

[58] See A/HRC/4/34/Add.4, para. 16.

[59] Ibid, para. 17.

[60] CEDAW/C/NLD/CO/4, para. 27.

[61] Ibid., paras. 15 and 16.

[62] 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.

[63] CEDAW/C/NLD/CO/4, para. 27; see also A/HRC/4/34/Add.4, para. 63.

[64] UNHCR submission, op. cit., citing CCPR/CO/72/NET, para. 11.

[65] CCPR/CO/72/NET, para. 11.

[66] CEDAW/C/NLD/CO/4, para. 28.

[67] CCPR/CO/72/NET, para. 5 (a).

[68] Ibid., para. 5 (d).

[69] Ibid., para. 6.

[70] CRC/C/15/Add.227, para. 33.

[71] Ibid., para. 34.

[72] CCPR/CO/72/NET/Add.1, paras. 5 and 6 and CCPR/CO/72/NET/Add.3.

[73] CCPR/CO/72/NET, para. 8.

[74] CCPR/CO/72/NET/Add.1, paras. 18 and 19.

[75] CAT/C/NET/CO/4, para. 14.

[76] A/HRC/4/34/Add.4, para. 30.

[77] Ibid., para. 33.

[78] Ibid., para. 39.

[79] Ibid., para. 61.

[80] CEDAW/C/NLD/CO/4, para. 19.

[81] Ibid., para. 20.

[82] CCPR/CO/72/NET/Add.1, para. 9 and CRC/C/15/Add.227, paras. 43 and 44.

[83] CRC/C/15/Add.227, para. 44 (d).

[84] Ibid., paras. 8 and 9.

[85] CAT/C/NET/CO/4, para. 6.

[86] CRC/C/15/Add.227, paras. 58.and 59.

[87] A/HRC/4/34/Add.4, para. 73.

[88] CEDAW/C/NLD/CO/4, para. 23.

[89] Ibid., para. 24.

[90] The Special Rapporteur on the sale of children, child prostitution and child pornography (see A/HRC/4/31/Add.1, para.184) and the Special Rapporteur on trafficking in persons, especially women and children (see A/HRC/4/23/Add.1, para. 194).

[91] A/HRC/4/31/Add.1, para. 191.

[92] Ibid., paras. 197 ff.

[93] CRC/C/15/Add.227, para. 56.

[94] Ibid., para. 57 (e).

[95] Ibid., para. 56.

[96] A/HRC/4/31/Add.1, paras. 193-196, 206-209.

[97] A/HRC/4/21/Add.1, para. 229.

[98] E/CN.4/2006/5, para. 60.

[99] UNICEF, *The State of the Children's World 2007: Women and Children - The Double Dividend of Gender Equality*, New York, 2006, p. 52.

[100] CEDAW/C/NLD/CO/4, para. 17.

[101] A/HRC/4/34/Add.4, para. 24.

[102] CEDAW/C/NLD/CO/4, para. 18.

[103] CERD/C/64/CO/7, para. 15.

[104] CRC/C/15/Add.227, para. 49.

[105] Ibid., para. 50 (c).

[106] Ibid., para. 45.

[107] CCPR/CO/72/NET, para. 7.

[108] UNHCR submission, op. cit., citing CAT/C/NET/CO/4, para. 7.

[109] CAT/C/NET/CO/4, para. 7.

[110] CRC/C/15/Add.227, para. 53.

[111] Ibid., para. 53.

[112] CERD/C/64/CO/7, para. 14.

[113] CAT/C/NET/CO/4, para. 7.

[114] See UNHCR submission, op. cit.; see also 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., and Implementation of the Aliens Act 2000: UNHCR's observations and recommendations, reference document 2, ibid.

[115] CAT/C/NET/CO/4, para. 7, recommendations (a) and (d).

[116] CERD/C/64/CO/7, para. 14 and CRC/C/15/Add.227, para. 53 (a).

[117] CAT/C/NET/CO/4, para. 8.

[118] E/CN.4/2005/62/Add.1, paras. 1182-1183.

[119] CAT/C/NET/CO/4, para. 9.

[120] UNHCR submission, op. cit., citing A/HRC/4/34/Add.4, para. 68.

[121] A/HRC/4/34/Add.4, para. 68.

[122] Ibid., para. 62.

[123] E/CN.4/2006/73/Add.1, paras. 228-234.

[124] CAT/C/NET/CO/4, para. 10.

[125] CEDAW/C/NLD/CO/4, para. 37.

[126] CAT/C/NET/CO/4, para. 15.

[127] CRC/C/15/Add.227, para. 43.

[128] CCPR/CO/72/NET/Add.1, para. 21.

[129] CAT/C/NET/CO/4, para. 3 (e).

[130] Ibid., para. 12.

[131] Ibid., para. 58 (d).

[132] CCPR/C/CO/72/NET, para. 23.

[133] Ibid., para. 17.

[134] See CCPR/CO/72/NET/Add.2.

[135] CAT/C/NET/CO/4, para 11.

[136] Ibid., para. 6.

[137] E/C.12/NLD/CO/3/Add.1, paras. 3-5.

[138] Ibid., para. 13.

[139] Ibid., para. 22.

[140] Ibid., para. 21.

[141] A/HRC/4/34/Add.4, para.33.

[142] Ibid., para. 36.

[143] A/HRC/4/34/Add.4, para. 52.

[144] CAT/C/NET/CO/4, para. 3 (g), (h) and (i).

[145] World Bank, *World Development Report 2006: Equity and Development*, p. 220.

[146] See A/61/768.

[147] CCPR/CO/72/NET, para. 27.

[148] CCPR/CO/72/NET/Add.1-3.

[149] CAT/C/NET/CO/4, para. 19.

[150] CEDAW/C/NLD/CO/4, para. 6.
