



General Assembly

Distr.: General
5 August 2022

Original: English

Human Rights Council
Working Group on the Universal Periodic Review
Forty-first session
7–18 November 2022

Summary of Stakeholders' submissions on the Kingdom of the Netherlands*¹

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

I. Background

1. The present report was prepared pursuant to Human Rights Council resolutions 5/1 and 16/21, taking into consideration the periodicity of the universal periodic review. It is a summary of 27 stakeholders' submissions¹ for the universal periodic review, presented in a summarized manner owing to word-limit constraints. A separate section is provided for the contribution by the national human rights institution that is accredited in full compliance with the Paris Principles. The report has been prepared taking into consideration the outcome of the previous review.²

II. Information provided by the national human rights institution accredited in full compliance with the Paris Principles³

2. NIHR recommended the ratification of OP-ICESCR, OP-CRC-IC and OP-CRPD.⁴
3. NIHR recommended incorporating social and economic rights in legal system and ensuring the justifiability of those rights.⁵
4. NIHR recommended addressing the root causes of institutional racism and reviewing laws, policies, and practices on possible bias and discrimination.⁶
5. NIHR reported on racial/ethnic profiling during traffic control, identity checks, preventive searches and border stops. The Police made several reforms over the past years, as recommended during the universal periodic review (UPR) of 2017. Nevertheless, individuals still experienced profiling.⁷ NIHR recommended preventing unlawful racial/ethnic profiling by law enforcement officials, including by collecting disaggregated data on race and ethnicity and by monitoring the impact of reforms initiated.⁸

* The present document is being issued without formal editing.

¹ The term "the Kingdom of the Netherlands" is used in the present report to refer to the four parts that constitute the Kingdom of the Netherlands: the Netherlands, Aruba, Curaçao and Sint Maarten. The term "the Netherlands" is used in the present report to refer to one of the four parts that constitute the Kingdom of the Netherlands.



6. The Government renewed the law authorizing the Minister of Justice to revoke Dutch nationality, without prior judicial scrutiny, of any person who travelled abroad to participate in a terrorist organization. NIHR expressed concerns about the discriminatory and stigmatizing nature of this measure.⁹

7. NIHR appreciated the Government's interventions to combat the COVID-19 pandemic, yet also found that their need, proportionality and effectiveness were not always sufficiently demonstrated. Moreover, the pandemic exacerbated existing inequalities. The right of persons with disabilities to independently participate in society were disproportionately affected. Migrant workers, young persons, workers with a low level of education, and persons with disabilities were the first groups to lose their jobs, be discriminated against or face harsh working conditions.¹⁰

8. Violence against women, including domestic violence, was highly prevalent. Welcoming guidelines developed by the Government in 2021 for a more gender-sensitive and intersectional approach to domestic violence and sexual harassment, NIHR recommended implementing the guidelines and intensifying efforts to combat violence against women.¹¹

9. Cases of sexual harassment often went unreported and victims rarely filed an official complaint. The existing legal framework did not adequately address and prevent sexual harassment.¹²

10. There was a serious shortage of housing, especially affordable housing. Discrimination in the (rental) housing market appeared widespread. Homelessness was reportedly growing. NIHR noted with concern information about evictions leading to homelessness.¹³ NIHR recommended guaranteeing the right to adequate housing and prioritising housing for persons in a disadvantaged position, and ensuring that tenants are not evicted without alternative housing.¹⁴

11. NIHR was concerned about the practice of systematic detention of asylum-seekers and undocumented migrants, and about the duration of such detention. Contrary to the 2017 UPR recommendations, there were no indications that the Government considered alternatives to detention. NIHR recommended ending systematic detention of asylum-seekers by introducing an individual assessment to determine the need for detention, ensuring that immigration detention is used as a last resort and for the shortest possible time and implementing alternatives to detention.¹⁵

12. The disparity between human rights protection in the Caribbean Netherlands and the European part of the Kingdom remained a concern. NIHR did not have sufficient resources to fully execute its mandate in the Caribbean part of the Netherlands.¹⁶ NIHR recommended ensuring the full implementation of human rights treaties and the Equal Treatment Act in Bonaire, Saint Eustatius and Saba.¹⁷

13. The level of poverty in Bonaire, Saint Eustatius and Saba remained alarming. Livelihoods were under pressure due to high costs of living and low incomes.¹⁸ NIHR recommended implementing robust socio-economic policies for poverty alleviation for the Caribbean Netherlands.¹⁹

III. Information provided by other stakeholders

A. Scope of international obligations and cooperation with human rights mechanisms

14. It was recommended that the country ratify ICRMW,²⁰ OP-ICESCR,²¹ and OP-CRC-IC.²²

15. JS9 recommended extending the ratification of the ICPPED and the 1951 Convention on the Status of Refugees and its 1976 protocol to Curaçao, in line with the 2017 UPR recommendation²³ no 131.25.²⁴

16. JS3 recommended withdrawing reservations to articles 26, 37 (c) and 40 to the CRC.²⁵

17. PAX and ICAN called upon the Netherlands to sign and ratify the Treaty on the Prohibition of Nuclear Weapons.²⁶

B. National human rights framework

Institutional infrastructure and policy measures

18. JS4 and JS7 recommended expanding human and financial resources of the NIHR to enable the Institution to work on human rights, concerning environmental and climate issues.²⁷

C. Promotion and protection of human rights

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

Equality and non-discrimination

19. CoE-ACFC stated that members of Roma, Sinti and Travellers experienced discrimination in many areas. The labour market position of Roma and Sinti was characterised by a high level of unemployment and dependency on benefits.²⁸ CoE-ACFC recommended developing a comprehensive policy to address discrimination against Roma, Sinti and Travellers in education, the labour market and housing.²⁹

20. CoE-ACFC noted that there were serious issues with racism against persons of non-Dutch origin, Islamophobia, and anti-Semitism.³⁰

21. JS5 stated that LGBTI persons reportedly experienced more discrimination than heterosexual people in various aspects of life.³¹ JS5 noted an increase in cases of discrimination against LGBTI persons at the workplace. Various measures taken by the Government to combat discrimination in the labour market appeared insufficient.³²

22. CoE-ECRI stated that a considerable number of hate-motivated attacks were, among others, perpetrated against Muslims, mosques and LGBT persons. Anti-Semitic chants continued to occur during football matches. Muslim women wearing a headscarf regularly became victims of racist attacks. Underreporting of hate crime remained an issue. The hate crime and anti-discrimination legislation did not provide for sufficiently dissuasive sanctions.³³ JS5 stated that very few cases of hate crimes against LGBTI persons resulted in prosecution and/or convictions.³⁴

23. CoE-ECRI stated that the mainstream political discourse and media reporting continued to be influenced by a xenophobic and fear-fueling rhetoric. Politicians openly expressed racist beliefs of biological superiority.³⁵

24. CoE-ACFC recommended increasing efforts to effectively prevent, investigate, prosecute and sanction hate speech and hate crime through adequate legislation.³⁶ CoE-ECRI recommended that the Netherlands provide explicitly in the Criminal Code that racist, homo- and transphobic motivation constitutes an aggravating circumstance for any ordinary offence.³⁷

25. AI stated that Dutch authorities were increasingly using data and algorithms to profile people and continued to use nationality and ethnicity in risk profiles as indicators of potential perpetrators.³⁸

26. Likewise, JS2 reported that racial or ethnic profiling remained a persistent practice in policing and border controls.³⁹ AI stated that measures implemented by the Government to combat racial/ethnic profiling by the police were non-obligatory, but were guidelines. Thus, they were not effective to end racial/ethnic profiling.⁴⁰

Right to life, liberty and security of person, and freedom from torture

27. APG23 noted a rise in the use of euthanasia.⁴¹ C-FAM stated that although legislation regulating the practice of euthanasia and assisted suicide had not changed since its enactment,

broader interpretations were increasingly common that made euthanasia more accessible in practice. Access to euthanasia was also increasing with the advent of mobile euthanasia teams and the opening of the Euthanasia Expertise Center.⁴² APG23 and C-FAM reported that in 2020, the Government announced its plan to extend legal use of euthanasia and physician-assisted treatment to terminally ill children under the ages of 12 years old.⁴³

28. ADF International noted concerns expressed about the application of the legislation on euthanasia for patients with psychiatric conditions and about uncertainty as to how to assess “unbearable suffering”, possibilities of pursuing alternative and life-preserving options, and those patients’ ability to give well-informed consent.⁴⁴ APG23 stated that the effectiveness of commissions which were responsible for monitoring the application of the law on euthanasia was widely questioned.⁴⁵

29. C-FAM recommended introducing effective safeguards to prevent abuse of legal provisions allowing euthanasia, at a minimum.⁴⁶ C-FAM and APG23 recommended ensuring that patients are provided with high-quality palliative care.⁴⁷

30. JS1 stated that hosting of nuclear weapons by the Netherlands, its operational plans and preparation for the potential use of these weapons and its support for and participation in NATO policy and practice regarding nuclear weapons including the possibility to initiate a nuclear war (first use), and the lack of support of the Netherlands for negotiations to achieve the comprehensive prohibition and elimination of nuclear weapons constituted violations of the Netherlands’ responsibilities under the ICCPR to protect the right to life, including the Human Rights Committee’s General Comment 36.⁴⁸

31. ASSEDEL stated that the number of people who died during or immediately after police custody increased in 2020. Police violence beyond self-defence and without reasonable justification was observed.⁴⁹

32. JS6 reported on prevalence of sexual harassment and sexual violence.⁵⁰ CoE-GREVIO recommended reviewing the Criminal Code to include an adequate criminal response to all forms of sexual harassment, and to ensure that sexual harassment, including online harassment is criminalised.⁵¹

Human rights and counter-terrorism

33. JS2 stated that since 2017 the Act on Dutch Nationality permitted the Government to withdraw the Dutch nationality from persons without the requirement of a criminal conviction when persons voluntarily entered the foreign military service of a State involved in hostilities against the Netherlands and when they joined an organization listed as constituting a threat to national security. The Netherlands should review the 2017 amendments to the Act against existing international human rights norms and revise it accordingly.⁵²

Administration of justice, including impunity, and the rule of law

34. L4L reported on difficulties encountered by lawyers in carrying out their professional duties and concerns expressed about the security situation of those lawyers working in specific areas, including criminal and bankruptcy cases. Additionally, there were numerous incidents where the client-attorney privilege was breached by the Public Prosecutor or other government bodies.⁵³

35. L4L reported that lawyers working on asylum cases faced with public rhetoric of politicians, discrediting their professional activities. Right-wing politicians started coining the phrase “asylum industry” by which they discredited and demonized lawyers who were assisting asylum-seekers.⁵⁴

36. L4L recommended guaranteeing the effective independence of lawyers by ensuring that they can perform their professional duties without any fear of reprisals, intimidations, or threats. L4L recommended that the Netherlands take measures to ensure the security of lawyers when it is threatened.⁵⁵

37. Noting an increase in the use of solitary confinement of undocumented migrants and rejected asylum-seekers as a disciplinary and punitive measure, AI recommended that the Netherlands prohibit such.⁵⁶

38. JS3 recommended guaranteeing a child-oriented procedure in youth criminal law, raising the minimum age for criminal responsibility to 14 or 16 years old, and ensuring that all minor suspects have a right to free legal aid.⁵⁷

Fundamental freedoms and the right to participate in public and political life

39. IHRC reported on a ban on wearing an Islamic headscarf in all government buildings.⁵⁸

40. Noting an increase in threats and violence against journalists, FPU recommended developing policies to prevent violence and harassment against journalists.⁵⁹ Noting an increase in threats against journalists by organized crime, FPU stated that the Netherlands must consider the option of tailor-made personal protection for journalists.⁶⁰

41. Noting a high concentration of media ownership, FPU recommended ensuring structural investment in independent media to ensure better financial viability of independent media outlets.⁶¹

42. ADF International reported on restrictions on gatherings around abortion clinics in some cities and considered that the establishment of “buffer zones” around abortion clinics did not correspond to permissible grounds for restricting freedom of expression or assembly.⁶²

43. JS2 noted a trend of curbing peaceful assemblies by the authorities, who sometimes seemed to prioritize the protection of public order and security over the right to protest without apparent legal grounds to justify limitations on the protestors’ rights. Demonstrations concerning the COVID-19 pandemic were sometimes faced with severe police violence.⁶³

44. JS2 noted concerns about a draft Transparency Act of 2020, which was aimed at preventing undesired foreign influence through donations to civil society organisations (CSOs) from outside of the European Union. It could have discriminatory and stigmatizing effect on CSOs receiving funding from abroad and cause additional administrative requirements, supervision and potential restrictions on their activities. JS2 recommended that the Netherlands either reconsider and amend, or withdraw the Act.⁶⁴

45. OSCE/ODIHR noted several legislative changes made since the 2017 parliamentary elections, including new requirements for the accessibility of polling stations to voters with disabilities. OSCE/ODIHR recommended introducing additional voting methods for voters in places of detention.⁶⁵

Right to privacy

46. AI noted that the Netherlands had not yet implemented a recommendation⁶⁶ from the 2017 UPR to ensure that the collection and maintenance of data for criminal purposes does not entail mass surveillance of innocent persons. There was an increase in the collection and maintenance of data by the police and security agencies for criminal and national security purposes which constituted mass surveillance. The Coordinator for Counterterrorism and Security deployed various means of surveillance in violation of international human rights law.⁶⁷ JS2 recommended ensuring that data gathering and the dissemination of citizens’ data does not take place without a legal mandate and adequate safeguards.⁶⁸

Prohibition of all forms of slavery, including trafficking in persons

47. ECLJ stated that the majority of the victims of human trafficking were used for forced prostitution and sexual exploitation. ECLJ considered that legal prostitution contributed to the scourge of human trafficking.⁶⁹

48. APG23 stated that human trafficking also took place in economic and social areas where victims were subject to employment under deplorable conditions.⁷⁰ CoE-GRETA considered that the authorities should continue to sensitise relevant officials about human trafficking for the purpose of labour exploitation, work closely with trade unions, civil society

and the private sector to raise awareness of trafficking for the purpose of labour exploitation and prevent such trafficking in supply chains.⁷¹

49. ECLJ observed that exploitation of trafficked children was not limited to sexual exploitation as children were often trafficked for exploitation in criminal activities, including pickpocketing and forced begging.⁷² The Netherlands must take steps to combat such exploitation of children.⁷³ CoE-GRETA considered that the authorities should improve the identification of and assistance to child victims of trafficking.⁷⁴

50. JS5 recommended guaranteeing access to health services, justice and redress for victims of trafficking and sex workers.⁷⁵ CoE-GRETA urged the authorities to ensure that assistance provided to foreign victims of human trafficking is not linked to investigations or prosecutions being pursued.⁷⁶

51. CoE-GRETA considered that the authorities should make further efforts to discourage demand for the services of trafficked persons. CoE-GRETA invited the authorities to criminalise the use of services of a victim of human trafficking, with the knowledge that the person was a victim of human trafficking.⁷⁷

Right to work and to just and favourable conditions of work

52. In 2019, CoE-ECRI recommended that the authorities insert for all objectives and measures of the Action Plan against Labour Market Discrimination (2018-2021) indicators and measurable targets to reach.⁷⁸ In 2021, CoE-ECRI noted that neither indicators nor measurable targets had been inserted into the Action Plan. New legislative and other measures against discrimination in the labour market had still to be adopted.⁷⁹

53. In 2021, CoE-ECSR concluded that sufficient progress in promoting the right to equal pay had not been achieved.⁸⁰

Right to an adequate standard of living

54. JS2 stated that the number of social houses built by the government was lagging behind.⁸¹ APG23 stated that some social housing waiting lists in some cities could span up to 15 years. A large number of social housing units had been put up for sale in the private sector or demolished, increasing waiting lists across the country.⁸² JS2 and APG23 noted an increase in the number of homeless persons in the past decade.⁸³

55. JS2 noted a study indicating trends of discrimination within the housing market, which made it difficult for people of non-Dutch descent to rent a house.⁸⁴

Right to health

56. JS6 recommended that the Netherlands increase access to medical abortion provided by general practitioners, and to contraceptives, paying particular attention to marginalised persons.⁸⁵

57. JS6 stated that legislation allowed schools broad discretion regarding the content of mandatory sexuality and sexual diversity education. Quality and number of sexuality education lessons in schools varied considerably.⁸⁶ CHOICE explained that clear guidelines on how to provide comprehensive sexuality education were not officially agreed upon. The quality of the sexuality education was dependent on a teacher.⁸⁷ JS5 reported that recommendation no 131.138⁸⁸ from the 2017 UPR to provide teachers' training on sexual diversity and sexual rights was not fully implemented.⁸⁹ CHOICE concluded that students received inadequate sexuality education and highlighted the need to fully implement recommendations⁹⁰ nos. 131.136 and 131.138 on the integration of comprehensive sexuality education, including sexual diversity, sexual rights and gender equality into the school curriculum and on teachers' training on sexual education.⁹¹

Right to education

58. JS3 reported on discrimination in education system. The educational materials often contained stereotypical images.⁹² BCN noted increasing segregation in schools, which affected children from lower socio-economic or migration backgrounds.⁹³

59. BCN concluded that the COVID-19 pandemic had a magnifying effect on the pre-existing inequalities in education system. A reliance on internet connections and the availability of devices for online learning left many students without adequate access to the new form of education. Thus, challenges faced by children living in refugee reception centres or from a migration background to receive education was exacerbated during online and remote learning.⁹⁴ Likewise, JS10 noted difficulties faced by many stateless persons described in supporting home-schooling for their children due to a lack of space, and access to laptops and internet.⁹⁵

60. JS3 stated that children with disabilities sometimes had to attend special needs school or did not attend any, because regular education was not sufficiently accessible to them.⁹⁶ APG23 concluded that inclusive education was not sufficiently achieved, and recommended implementing a strategy for inclusive education.⁹⁷

61. CoE-ECRI stated that children with a migration background and Antillean children remained overrepresented in special needs schools and were disproportionately enrolled in the lower streams of secondary education.⁹⁸

62. CoE-ECRI recommended reducing the gap in the educational outcomes of children with migration backgrounds and Antillean children.⁹⁹ BCN recommended that the Netherlands provide support in learning Dutch for Roma students, students with migration backgrounds, and students who would otherwise enrol late in the Dutch education system due to language barriers.¹⁰⁰

63. CoE-ACFC stated that educational position of Roma, Sinti and Travellers in the Netherlands could be described as below average.¹⁰¹ CoE-ECRI stated that enrolment in preschool was comparatively low. Roma children often entered primary school with a language and learning deficit, as they did not speak Dutch at home. The percentage of Roma children in special needs schools at primary school level was three times the national average. Girls were often not enrolled in secondary education. Primary and secondary education absenteeism and drop-outs were significant problems.¹⁰² BCN noted that there were differences between municipalities, namely, Nieuwegein and Ede, which had significant high school dropout rates, and Capelle aan de IJssel, which had no dropouts.¹⁰³

64. JS5 stated that many LGBTI students faced discrimination and bullying in schools.¹⁰⁴ CoE-ECRI recommended implementing measures to promote mutual tolerance and respect in schools regardless of sexual orientation and gender identity.¹⁰⁵

65. BCN recommended establishing policies that effectively combat bullying in schools based on migration status, anti-Roma sentiment, and LGBTI-phobia.¹⁰⁶

66. AI noted that the Netherlands supported several recommendations to integrate human rights education into the national school curriculum.¹⁰⁷ Since 2021 human rights education was explicitly included in a law regulating civic education. Human rights were stipulated in the curriculum reform for primary and secondary education.¹⁰⁸

Development, the environment, and business and human rights

67. Noting serious human rights abuses committed by Dutch companies operating internationally, AI recommended adopting human rights due diligence legislation in line with the UN Guiding Principles on Business and Human Rights that requires businesses to respect human rights in their own operations, in their global value chains and within their business relationships and that holds businesses accountable for negative impacts on human rights in their value chains.¹⁰⁹

68. AI recommended ensuring access to remedy for victims of corporate human rights abuses linked to Dutch companies in the revised National Action Plan on Business and Human Rights, eliminating barriers to justice, such as the absence of grounds for jurisdiction and liability of Dutch parent and lead companies, and the high burden of proof, and limited access to information.¹¹⁰

69. JS7 recommended that the Netherlands reduce greenhouse gas emissions in line with its international commitments, take effective measures for the mitigation of and adaptation to the harmful effects of climate change and ensure that national policies and programmes on

environmental protection and climate change are implemented in accordance with human rights principles.¹¹¹

70. JS4 recommended ensuring that public and private actors are legally obliged to set climate action plans in order to bring their activities in line with the 1.5-degree scenario of the Paris Agreement and specify criteria for corporate climate targets for greenhouse gas emission reductions in their value chains.¹¹²

2. Rights of specific persons or groups

Women

71. AI recommended bringing the legal definition of rape in line with international human rights law, including the Istanbul Convention, so that it is based on the absence of consent.¹¹³

72. CoE-GREVIO observed that despite many positive elements of the National Action Plan entitled “Violence does not belong anywhere” (2018-2021), it set out a view of domestic violence that is gender neutral with no recognition for women as a group at particular risk from gender-based harm.¹¹⁴

73. CoE-GREVIO urged the authorities to review the gender-neutral approach to the protection and support of victims and to ensure that all measures taken in this regard shall be based on a gendered understanding of violence against women and domestic violence while focusing on the human rights and safety of victims and on their empowerment and economic independence.¹¹⁵

74. CoE-GREVIO recommended ensuring that the legal provision on temporary restraining orders complies with the Istanbul Convention, increasing the use of temporary restraining orders,¹¹⁶ and expanding the provision of shelters to reach the minimum standard of one family place per 10 000 head of population.¹¹⁷

Children

75. Noting differences in access and quality of services for children among municipalities, JS3 recommended the provision of equal access to care and social services to all children.¹¹⁸

Older persons

76. CoE-ECSR concluded that there was no adequate legal framework to combat age discrimination outside employment.¹¹⁹

Persons with disabilities

77. C-FAM stated that the Netherlands integrated, in 2017, the Non-Invasive Prenatal Test as a first-tier screening offered to all pregnant women to detect if a foetus had Down syndrome. Such screening that revealed Down syndrome often resulted in the termination of pregnancy. C-FAM noted a high abortion rate based on Down syndrome diagnosis.¹²⁰

78. C-FAM recommended strengthening programs to support persons with disabilities, particularly those with Down syndrome, and allowing the use of genetic testing solely to enhance care and well-being, and not to discriminate against people on the basis of their genetic predisposition.¹²¹

Minorities

79. CoE-ACFC recommended ensuring that the legal right to use the Frisian language in contacts with the administration is fully implemented in all public services, particularly in law enforcement, in courts and at municipal level.¹²² CoE-ECRML recommended increasing the number of teaching hours of and in Frisian at primary level and the number of secondary schools with Frisian in their curricula.¹²³

80. CoE-ECRML recommended ensuring the teaching of Limburgish and Low Saxon at pre-school and all levels of compulsory education and making the study of these languages available at university level. It recommended strengthening the use of Limburgish and Low Saxon in public life and in the media.¹²⁴

81. APG23 recommended that the Netherlands provide effective housing support for Roma, Sinti and Travellers with tools that respect their cultural identity.¹²⁵ In this regard, CoE-ECRI recommended ensuring the implementation of a new policy on caravan sites.¹²⁶

Lesbian, gay, bisexual, transgender and intersex persons

82. CoE-ECRI stated that the perceived and actual safety and the health conditions of LGBT persons were below average.¹²⁷

83. JS5 stated that recommendation 131.100 from the 2017 UPR on legal gender recognition for intersex and transgender persons of all ages was not fully implemented. JS5 stated that an expert letter was needed to access legal gender recognition. Parents or caretakers of children under the age of 16, wishing to have their gender legally affirmed, would have to go to court.¹²⁸ JS5 recommended guaranteeing access to legal gender recognition for intersex and transgender children and adults, without obstacles infringing the individual's right to self-determination (i.e. expert letter or lawsuit) and financial barriers.¹²⁹

84. JS5 reported on non-consensual unnecessary medical interventions to adjust the sex characteristics of intersex children.¹³⁰ JS5 recommended implementing effective measures to ensure that no child or adult is subjected to unnecessary medical intervention without prior, personal, free and fully informed consent.¹³¹

Migrants, refugees and asylum-seekers

85. CoE-ECRI stated that migrant workers remained exposed to exploitation.¹³² JS8 stated that undocumented migrants had no insurance to cover health care expenses. Starting an education was not permitted after they turned eighteen. Some of them spent all their working life in the Netherlands, but were not entitled to allowances or pension for older persons.¹³³ APG23 reported that migrant workers were reportedly living in degrading conditions.¹³⁴ JS8 noted that new accommodation centres were announced to be accessible only for undocumented migrants who cooperated with their expulsion.¹³⁵

86. JS8 stated that the possibilities for undocumented migrants to regularize their stay were limited. The number of undocumented migrants regularized fell from hundreds every year to zero in 2021.¹³⁶

87. CoE-ECRI stated that the reform of the integration policies shifted the burden of integration on newcomers, who had to pay and take loans for financing their tuition. Sanctions were introduced for failing in the exams.¹³⁷ CoE-ECRI expressed concerns about such approach to integration.¹³⁸

88. In 2019, CoE-ECRI recommended adopting an integration strategy and action plan, stating that integration is a two-way process. The authorities should organise the integration process themselves by providing free language and integration courses and provide for the possibility to adapt integration programmes to the individual needs and capacities of people with migration backgrounds and Antilleans.¹³⁹ In 2021, CoE-ECRI noted that no integration strategy or action plan was adopted, and concluded that its 2019 recommendation was not implemented. CoE-ECRI welcomed that asylum-seekers arriving as of 2022 would not pay for their integration courses. However, it noted with concern that asylum-seekers having applied for asylum before 2022 needed to finance their integration courses.¹⁴⁰

89. AI reported on cases of forced returns of refugees and migrants from the Netherlands to their country of origin, leading to human rights violations.¹⁴¹ AI recommended that the Netherlands do not execute forced returns to destinations where there is a real risk of torture or other serious human rights violations.¹⁴²

90. JS3 expressed concern at detention of families with children and unaccompanied minors as part of asylum and return procedures.¹⁴³ AI recalled that the Netherlands supported two recommendations¹⁴⁴ from the 2017 UPR concerning the detention of undocumented migrants. No changes to the practice of the detention of migrants were made since the 2017 UPR.¹⁴⁵

91. JS2 stated that the immigration detention system had been criticized for its prison-like, punitive and excessively restrictive character. Most immigration detention facilities

housed under the same roof with criminal detention and in most cases persons in immigration detention had been subjected to the same strict limitations as convicted persons. Disciplinary measures, such as solitary confinement, had been criticized for their disproportionately harmful effect on persons in immigration detention. JS2 urged ensuring appropriate immigration detention facilities and promoting the use of alternatives to detention.¹⁴⁶

92. JS8 stated that the Netherlands was facing a crisis of reception centres. People were forced to sleep on the floor outside the reception centre in Ter Apel, awaiting their turn to register their application and to be transferred to one of the emergency reception centres. A total of 7,000 asylum-seekers, including 1,500 children, reportedly lived in tent camps, halls, boats, barracks and hotels.¹⁴⁷ JS2 stated that the Government must provide sufficient accommodation for asylum-seekers that uphold the right to an adequate standard of living.¹⁴⁸ JS8 encourage the Government to expand regular reception capacity and close the large-scale emergency shelter in tents and halls.¹⁴⁹

93. Noting significant delays in dealing with the asylum procedures, JS2 stated that the Government must eliminate the unnecessary delays.¹⁵⁰ JS8 encouraged the Government to ensure independent monitoring of the quality of decisions in the asylum procedures.¹⁵¹

94. JS3 stated that requirements to prove family relationships for the family unification were often unrealistic. Waiting times were long and the number of family reunification permissions significantly dropped. JS3 recommended that the Netherlands introduce realistic burden of proof requirements and do not reject applications for family unification without offering alternatives such as DNA testing or interviewing.¹⁵²

Stateless persons

95. JS10 stated that the Netherlands did not have a dedicated statelessness determination procedure. Stateless persons who did not have legal residence were unable to have their statelessness adequately registered.¹⁵³

96. JS10 stated that legislation required stateless children to have three years' legal residence before being able to opt for Dutch nationality. Moreover, due to the strict evidentiary burden to register someone as a stateless and the absence of a uniform determination process, a widespread practice of registering children as 'nationality unknown' existed. The Act on Dutch Nationality did not stipulate acquisition of nationality by a child of "unknown nationality".¹⁵⁴

97. JS10 reported that the Roma community was significantly impacted by the failure to adequately identify and determine statelessness. Some of them were reportedly registered as having 'unknown nationality', which meant they must produce a foreign passport when applying for naturalisation – an impediment to naturalisation for stateless persons.¹⁵⁵

98. JS10 stated that during the COVID-19 pandemic stateless persons reported being affected by loss of informal employment, working whilst sick and were unable to access state pandemic employment assistance and healthcare.¹⁵⁶

99. JS10 recommended introducing an effective statelessness determination procedure and ensuring that children born in the Netherlands have their nationality status determined and only remain registered as having 'unknown nationality' for the shortest possible period and that stateless children born in the Netherlands acquire Dutch nationality.¹⁵⁷

3. Specific regions or territories

100. JS3 recommended guaranteeing access to inclusive education for all children in the Caribbean Netherlands.¹⁵⁸

101. JS9 stated that many Venezuelans lived in Curaçao with irregular migratory status. They had no real opportunities to obtain international protection or other legal ways to remain in the country. Their only economic option was to work in the informal sector, where they were vulnerable to exploitation and have no legal protection or remedies against abusive employers. For women who faced abuse at the hands of partners or ex-partners, there was nowhere to turn for protection. JS9 reported on arrests, detention under inhumane conditions, and deportation of Venezuelans with irregular status in Curaçao.¹⁵⁹

102. JS2 stated that asylum-seekers were automatically detained upon arrival in Curaçao. They were subjected to ill-treatment and inhumane conditions in the detention centres and police cells. Detained asylum-seekers were often forced to remain in detention for longer than the law allowed for. Asylum-seekers were systemically denied the right to apply for international protection, were effectively deprived of their right to legal assistance and possibly face refoulement.¹⁶⁰

103. JS2 stated that the Kingdom of the Netherlands should support Curaçao in implementing an effective and accessible asylum procedure in accordance with its international obligations. JS2 urged the Kingdom to provide Curaçao with the necessary means to improve detention conditions. It urged Curaçao to comply with its international human rights obligations in relation to asylum-seekers.¹⁶¹

Notes

- ¹ The stakeholders listed below have contributed information for this summary; the full texts of all original submissions are available at: www.ohchr.org (one asterisk denotes a national human rights institution with “A” status).

Civil society

Individual submissions:

ADFInternational	ADF International, Geneva (Switzerland);
AI	Amnesty International, London (United Kingdom of Great Britain and Northern Ireland);
APG23	Associazione "Comunità Papa Giovanni XXIII", Rimini (Italy);
ASSEDEL	Association Européenne des droits et des libertés, Strasbourg (France);
BCN	Broken Chalk, Amsterdam (The Netherlands);
CFam	Center for Family and Human Rights, New York (United States of America);
CHOICE	Stichting CHOICE for Youth and Sexuality, Amsterdam (Netherlands);
ECLJ	European Centre for Law and Justice, Strasbourg (France);
FPU	Free Press Unlimited, Amsterdam (The Netherlands);
ICAN	International Campaign to Abolish Nuclear Weapons, Geneva (Switzerland);
IHRC	The Islamic Human Rights Commission, Wembley, London (United Kingdom of Great Britain and Northern Ireland);
L4L	Lawyers for Lawyers, Amsterdam (The Netherlands);
PAX	PAX, Utrecht (The Netherlands);
UsNEF	UsNEF, Voorburg (The Netherlands).

Joint submissions:

JS1	Joint submission 1 submitted by: Basel Peace Office, Aotearoa Lawyers for Peace, Association of Swiss Lawyers for Nuclear Disarmament, Council of Churches in the Netherlands, International Association of Lawyers Against Nuclear Arms, Pugwash Netherlands, Tribunal for Peace, World Future Council, World's Youth for Climate Justice and Youth Fusion;
JS2	Joint submission 2 submitted by: International Commission of Jurists, Charity Netherlands (Goede Doelen Nederland), Cordaid, Defence for Children, Emancipator, Justice & Peace, The Netherlands Council of Women, the Netherlands Helsinki Committee, NNID Foundation, Privacy First, RADAR/Art.1, Stichting Landelijk Ongedocumenteerden Steunpunt and TIYE International;
JS3	Joint submission 3 submitted by: Dutch NGO Coalition for Children's Rights consisting of the Defence for Children-ECPAT the Netherlands; National Youth Council, Save the Children the Netherlands; Terre des Hommes the Netherlands; and National Committee UNICEF of the Netherlands;
JS4	Joint submission 4 submitted by: Friends of the Earth Netherlands, International Union for Conservation of Nature-National Committee of the Netherlands, and Stand Up For Your Rights;

- JS5 **Joint submission 5 submitted by:** Coalition of SOGIESC NGOs for UPR of the Netherlands consisting of Federatie van Nederlandse Verenigingen tot Integratie van Homoseksualiteit – COC, NederlandNederlandse organisatie voor seksediversiteit – NNID, Transgender Netwerk Nederland – TNN, Stichting Bi+, NederlandStichting Colored QollectiveBody, Mind & Spirit / AIDS Support Group Saba – BMS, and CHOICE for Youth and Sexuality;
- JS6 **Joint submission 6 submitted by:** The Sexual Rights Initiative (Canada, India, Poland, Argentina and South Africa) and Rutgers (The Netherlands);
- JS7 **Joint submission 7 submitted by:** Stand Up For Your Rights, JustLaw, Groninger Bodem Beweging, Frisse Wind Nu, Gezondheid op 1, Dorpsraad Wijk aan Zee, IJmondig, Defence for Children NL and Greenpeace NL;
- JS8 **Joint submission 8 submitted by:** Dutch Council for Refugees and Stichting Landelijk Ogedocumenteerden Steunpunt;
- JS9 **Joint submission 9 submitted by:** World Council of Churches and United Protestant Church of Curaçao;
- JS10 **Joint submission 10 submitted by:** Institute on Statelessness and Inclusion, ASKV Refugee Support, the Bhutanese Community in the Netherlands, New Women Connectors, Petkovski, Stichting Landelijk Ogedocumenteerden Steunpunt, Leiden University, Kinderrechtencollectief (The Dutch NGO Coalition for Children's Rights), Dutch Council for Refugees and the European Network on Statelessness.

National human rights institution:

NIHR National Institute of Human Rights,* Utrecht (The Netherlands).

Regional intergovernmental organizations:

CoE The Council of Europe, Strasbourg (France);
Attachments:
(CoE-ECRI) European Commission against Racism and Intolerance report on the Netherlands, adopted on 2 April, 2019, CRI (2019) 19;
CoE-ECRI Conclusions On The Implementation Of The Recommendations In Respect Of The Netherlands Subject To Interim Follow-Up, adopted on 7 December, 2021 CRI (2022) 3;
(CoE-GRETA) - Group of Experts on Action against Trafficking in Human Beings, Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by the Netherlands, Second Evaluation Round, Strasbourg, adopted on 12 July, 2018, GRETA (2018)19;
(CoE-ACFC) Advisory Committee on the Framework Convention for the Protection Of National Minorities, Strasbourg, the 3rd Opinion on the Netherlands adopted on 6 March, 2019 ACFC/OP/III (2019) 003;
(CoE-ECRML) Report of the Committee of Experts on the application of the European Charter for the Regional and Minorities Languages, Six Report on the Netherlands, Strasbourg, 5 November, 2019;
(CoE-GREVIO) Group of Experts on Action against Violence against Women and Domestic Violence, Baseline Evaluation, Report on legislative and other measures giving effect to the provisions of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), The Netherlands, GREVIO/Inf(2019)19 15 November, 2019, Strasbourg;
(CoE-ECSR) European Committee of Social Rights, The Netherlands and the European Social Charter.

OSCE/ODIHR Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, Warsaw (Poland).

² See A/HRC/36/15 and A/HRC/36/15/Add.1, and A/HRC/36/2.

³ The following abbreviations are used in the document:

ICCPR International Covenant on the Civil and Political Rights;

ICRMW	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
OP-ICESCR	Optional Protocol to International Covenant on Economic, Social and Cultural Rights;
OP-CRC-IC	Optional Protocol to Convention on the Rights of the Child on a communications procedure;
OP-CRPD	Optional Protocol to Convention on the Rights of Persons with Disabilities.

- ⁴ NIHR, p. 2, para. 3.
- ⁵ NIHR, p. 2.
- ⁶ NIHR, p. 4, para. 8.
- ⁷ NIHR, para. 2.3.1.
- ⁸ NIHR, p. 5, para. 13.
- ⁹ NIHR, para. 5.1.1.
- ¹⁰ NIHR, para. 1.2.2.
- ¹¹ NIHR, paras. 3.1.1 and 3.2.1, and p. 6, paras. 14 and 15.
- ¹² NIHR, paras. 3.3.2 and 3.3.3.
- ¹³ NIHR, para. 4.1.1, 4.2.1 and 4.3.1.
- ¹⁴ NIHR, p. 8, paras. 18 and 20.
- ¹⁵ NIHR, p. 9, paras. 5.4.1 and 26.
- ¹⁶ NIHR, paras. 1.4.1 and 1.4.2.
- ¹⁷ NIHR, p. 3, para. 5.
- ¹⁸ NIHR, para. 1.4.2.
- ¹⁹ NIHR, p. 3, para. 6.
- ²⁰ JS9, p. 3.
- ²¹ BCN, para. 23.
- ²² JS3, p. 3 and BCN, para. 23.
- ²³ For the full text of the recommendations, see A/HRC/36/15, para. 131.25 (Greece).
- ²⁴ JS9, p. 3.
- ²⁵ JS3, p. 3.
- ²⁶ PAX, p. 3 and ICAN, p. 2. See also JS1, pp. 7 and 9.
- ²⁷ JS4, para. 16, p. 17 and JS7, para. 10, p. 15.
- ²⁸ CoE-ACFC, p.2 paras. 79 and 168.
- ²⁹ CoE-ACFC, para. 171. See also para. 82.
- ³⁰ CoE-ACFC, para. 53. See also IHRC, p. 4.
- ³¹ JS5, para. 6. See also UsNEF, paras. 13 and 14.
- ³² JS5, para. 7.
- ³³ CoE-ECRI, p. 9 and para. 55. See also IHRC, pp. 4–5.
- ³⁴ JS5, para. 15. See also CoE-ECRI, para. 57.
- ³⁵ CoE-ECRI, p. 9. See also CoE-ACFC, para. 54.
- ³⁶ CoE-ACFC, para. 171. See also CoE-ECRI, para. 7.
- ³⁷ CoE-ECRI, para. 7. See also OSCE/ODIHR, para. 12.
- ³⁸ AI, paras. 18. See also AI, paras. 4, 5, 16 and 17, JS2, p. 2, ASSEDEL, pp. 2–3, JS3, p.7, IHRC, p. 2, and NIHR, paras. 2.2.1–2.2.3.
- ³⁹ JS2, p. 2.
- ⁴⁰ AI, para. 2.
- ⁴¹ APG23, p. 1.
- ⁴² C-FAM, paras. 10 and 13.
- ⁴³ C-FAM, para. 8 and APG23, p. 1.
- ⁴⁴ ADF International, para. 10.
- ⁴⁵ APG23, p. 1.
- ⁴⁶ See also APG23, p. 2.
- ⁴⁷ C-FAM, para. 28 and APG23, p. 2. See also ADF International, para. 36.
- ⁴⁸ JS1, pp. 1, 4 and 8. See also PAX, p. 3 and ICAN, p. 2.
- ⁴⁹ ASSEDEL, p. 1. See also NIHR, paras. 5.2.1-5.2.3 and IHRC, p. 2.
- ⁵⁰ JS6, para.13.
- ⁵¹ CoE-GREVI, p. 236.
- ⁵² JS2, p. 3.
- ⁵³ L4L, paras. 9, 13, 14, 20, 21 and 27.
- ⁵⁴ L4L, para. 23.
- ⁵⁵ L4L, p. 5.
- ⁵⁶ AI, paras. 13 and 25. See also NIHR, paras. 5.3.1 and 5.3.2.

- 57 JS3, p. 17.
- 58 IHRC, p. 6. See also CoE-ACFC, para. 55.
- 59 FPU, p. 1.
- 60 FPU, pp. 2 and 3.
- 61 FPU, pp. 4–5.
- 62 ADF International, paras. 23–26 and 33.
- 63 JS2, pp. 7–8. See also ASSEDEL, pp. 1–2.
- 64 JS2, p. 7.
- 65 OSCE/ODIHR, paras. 9 and 10.
- 66 For the full text of the recommendations, see A/HRC/36/15, para. 131.121 (Spain).
- 67 AI, paras. 8 and 20. See also FPU, p. 4 and JS2, pp. 5–6.
- 68 JS2, p. 6.
- 69 ECLJ, paras. 16 and 22. See also APG23, p. 2 and CHOICE, pp. 5–6.
- 70 APG23, p. 2.
- 71 CoE-GRETA, para. 77 and p. 50.
- 72 ECLJ, para. 20. See also JS3, pp. 12–13.
- 73 ECLJ, para. 22.
- 74 CoE-GRETA, para. 155 and p. 51.
- 75 JS5, p. 5.
- 76 CoE-GRETA, paras. 130 and 163, and p. 50.
- 77 CoE-GRETA, paras. 100 and 199 and pp. 51 and 52. See also APG23, p. 3.
- 78 CoE-ECRI, para. 77.
- 79 CoE-ECRI Conclusions, p. 5.
- 80 CoE-ECSR, p. 5.
- 81 JS2, p. 6.
- 82 APG23, p. 4.
- 83 JS2, p. 6 and APG23, pp. 3–4.
- 84 JS2, p. 6.
- 85 JS6, para. 27.
- 86 JS6, paras. 3, 6 and 19. See also paras. 17, 18, 20 and 21.
- 87 CHOICE, pp. 3–4. See also JS5, para. 29.
- 88 For the full text of the recommendation see A/HRC/36/15, para. 131.138 (Slovenia).
- 89 JS5, para. 31.
- 90 For the full text of the recommendation see A/HRC/36/15, paras. 131.136 (Belgium) and 131.138 (Slovenia).
- 91 CHOICE, p. 4. See also JS6, paras. 26 and 28, and JS5, pp. 8–9.
- 92 JS3, pp. 6–7.
- 93 BCN, para. 18.1.
- 94 BCN, paras. 7 and 8.
- 95 JS10, para. 10.
- 96 JS3, p. 6.
- 97 APG23, p. 3. See also BCN, para. 15.
- 98 CoE-ECRI, p. 10. See also JS3, p. 6.
- 99 CoE-ECRI, para. 73.
- 100 BCN, para. 26.
- 101 CoE-ACFC, para. 74. See also CoE-ECRI, p. 10.
- 102 CoE-ECRI, para. 79. See also BCN, para. 12.
- 103 BCN, para. 12.
- 104 JS5, para. 26. See also BCN, para. 10 and CHOICE, p. 4.
- 105 CoE-ECRI, para. 97. See also JS5, pp. 8–9 and CHOICE, p. 4.
- 106 BCN, para. 30.
- 107 For the text of the recommendations, see A/HRC/36/15, paras. 131.137 (Pakistan), 131.139 (Sudan), and 131.138 (Slovenia).
- 108 AI, para. 7.
- 109 AI, paras. 24 and 37. See also JS4, paras. 1–6, p.15, and JS7, p. 14.
- 110 AI, para. 38. See also JS4, para. 14, p.16, and JS7, p. 15.
- 111 JS7, paras. 5–6, pp. 14–15.
- 112 JS4, para. 12, p. 16.
- 113 AI, para. 39. See also CoE-GREVIO, p. 226.
- 114 CoE-GREVIO, p. 6.
- 115 CoE-GREVIO, para. 125. See also JS6, paras. 30 and 31.
- 116 CoE-GREVIO, para. 285.

- 117 CoE-GREVIO, paras. 165 and 285.
 118 JS3, p. 5.
 119 CoE-ECSR, p. 5.
 120 C-FAM, paras. 22, 23 and 24.
 121 C-FAM, para. 28.
 122 CoE-ACFC, para. 171.
 123 CoE-ECRML, p.20. See also CoE-ACFC, para. 171.
 124 CoE-ECRML, pp. 22 and 24.
 125 APG23, p. 5.
 126 CoE-ECRI, para. 84. See also APG23, p. 5.
 127 CoE-ECRI, p. 10.
 128 JS5, paras. 9–11.
 129 JS5, p. 5. See also CoE-ECRI, para. 13.
 130 JS5, para. 36.
 131 JS5, p. 10.
 132 CoE-ECRI, p. 10. See also APG23, pp. 4–5.
 133 JS8, p. 3.
 134 APG23, p. 5.
 135 JS8, p. 3.
 136 JS8, p. 3.
 137 CoE-ECRI, p. 9. See also CoE-ACFC, para. 57.
 138 CoE-ECRI, para. 63.
 139 CoE-ECRI, para. 70.
 140 ECRI Conclusions, p. 5.
 141 AI, para. 15. See also JS2, p. 5. and JS8, p. 2.
 142 AI, para. 29.
 143 JS3, p. 9.
 144 For the full text of the recommendations, see A/HRC/36/15, paras. 131.188 (Uruguay) and 131.193 (Sweden).
 145 AI, para. 6.
 146 JS2, pp. 4–5. See also JS8, p. 4.
 147 JS8, p. 2.
 148 JS2, p. 5.
 149 JS8, p. 2.
 150 JS2, pp. 3–4.
 151 JS8, p. 2.
 152 JS3, pp. 9 and 10.
 153 JS10, paras. 3 and 8. See also CoE-ECRI, para. 83.
 154 JS10, paras. 13 and 19.
 155 JS10, para. 33. See also CoE-ECRI, para. 83.
 156 JS10, para. 10.
 157 JS10, para. 38.
 158 JS3, p. 5.
 159 JS9, p. 3.
 160 JS2, p. 4.
 161 JS2, p. 4.
-

