

Mr/Mrs President,

Distinguished representatives of the Member States and the Observer States of the Human Rights Council, Ladies and Gentlemen,

It is an honour to address the Human Rights Council on the occasion of the second Universal Periodic Review of the Kingdom of the Netherlands. Today, all four countries of the Kingdom are represented at this hearing: Aruba, Curaçao, Sint Maarten and the Netherlands.

We will make a few introductory remarks and will answer the questions submitted respectively.

As Minister of the Interior and Kingdom Relations of the Netherlands, I will do so especially for the Netherlands.

The Kingdom of The Netherlands attaches great importance to promoting, protecting and upholding human rights, both at home and abroad, both civil and political rights and economic, social and cultural rights.

**Internationally**, we are party to the major UN human rights covenants and conventions. We value the qualitative cooperation with UN treaty bodies and have extended standing invitations to Special Procedures of the Council. The importance we adhere to the UN Human Rights system is exemplified by our candidacy for the 2015-2017 term of this Council. The commitment of the Netherlands towards protection and promotion of human rights worldwide is further exemplified by the tradition of The Hague as

international city of peace and justice, our sizeable human rights fund and our strong support to the Office of the High Commissioner for Human Rights (OHCHR).

**From a national perspective**, human rights have a strong basis in the Constitution, legislation, policy and enforcement of our country.

One of the essential conditions for the observance of human rights in practise is having a **firm human rights institutional infrastructure**. In the Netherlands we have many long standing and also some new institutions.

For the longer existing institutions which play an important role in the protection of human rights I refer to the Constitution based Council of State and National Ombudsman, but also to the law based Equal Treatment Commission and Data Protection Supervisor.

But there are some new developments as you might be aware of.

An important UN-inspired instrument for strengthening human rights is the establishment of a national human rights institute. The establishment of such an institute in the Netherlands was still in progress at the time of our first UPR session but now legislation founding the Institute is in place and the Institute will start its activities in a few months time. The Institute, operating in accordance with the Paris Principles, will monitor the respect of human rights, increase the awareness of human rights and promote their observance. Therefore, I am honoured that representatives of the Institute are here with us today.

Besides, we can proudly present the establishment last year of another human rights institute - the Children's ombudsman, whose first monitoring report was published two weeks ago.

And finally, the relevance of the rather new Municipal anti-discrimination services (ADV's) in the Netherlands, which became operational in 2009, can hardly be overestimated.

In addition to the responsibility of Government, Parliament and judiciary to supervise observance of human rights, there are numerous organizations whose aim is to follow with a critical eye government action in the area of human rights and in particular sub-areas. Many organizations advise the government both on request and at their own initiative. In addition, the Government often calls on the expertise of academics and representatives of human rights organizations in order to establish a **constructive dialogue** with the aim of improving and extending the observance of human rights.

The preparation of this UPR session, should be mentioned here as a good example of the constructive criticism and dialogue. This was highly appreciated by my civil servants, by myself and I'm under the impression that this was right so for the ngo's and institutions themselves.

Although this firm human rights institutional infrastructure is an essential condition for the observance of human rights in practise, it is not enough for that observance in practise. The great importance that the Netherlands attaches to the promotion and protection of human rights asks also for **positive policy measures**.

As you are perhaps aware of, last month **the coalition government** of the Netherlands (of which I am a member) resigned. The current government – although officially resigned – will continue its work on the way to parliamentary elections to be held next September. This certainly goes for the implementation of the main policy measures to endorse full respect of human rights.

I mention some of them:

- Guaranteeing the equality of every citizen.
  - [For example: 'Trendsetter agreements' have been concluded between the central government and municipalities to improve the safety of gay, lesbian and transgender people, to help them stand up for their rights, and to promote the social acceptance of homosexuality];
- Promoting integration, by requiring efforts for everyone to participate within society;
  - [For example: immigration and integration policy aims to stimulate preconditions for integration and participation, such as language skills, education and familiarity with Dutch institutions].
- Fighting domestic violence, by punishing perpetrators and protecting victims;
  - [The key elements of this approach are supporting the victims, a specific approach to tackle the perpetrators, and action designed to break the pattern of violence being passed on from one generation to the next.
  - Besides, a new action plan 'Children Safe' has been launched in January 2012.]

- Combating the trafficking of human beings, one of the main priorities of the Dutch government.
  - [The mandate of the Task Force on Human Trafficking, established in 2008, was renewed until 2014 and its membership expanded.
  - In December 2011 a comprehensive action plan was launched to address the issue of the so-called 'loverboys']

Other main policy measures concern, inter alia:

- Protecting refugees and asylum seekers,
- Promoting social acceptance of LGBT-people in society
- Education in our schools: teaching and practicing good skills for citizenship and social integration, including human rights education.

Regularly, policy measures or legislation (whether or not promoting human rights) do **limit human rights**, for example in the interest of public safety or for the prevention of disorder or crime. This is inevitable and sometimes even required by human rights in the case of positive obligations (for example, the penalisation of 'hate crime' limits the freedom of expression). The need to strike a balance between different interests has sometimes been hotly debated in the Dutch political arena, for example in the context of privacy measures and draft legislation limiting the privacy.

The **compatibility** of this kind of legislation with the human right standards is of utmost importance. This requires a thorough scrutiny test, which is guaranteed by our professionals and institutions. Improvements in this regard have been made when necessary, especially in the starting phase of new draft legislation. This has been done in the field of privacy, where making privacy

impact assessments (PIAs), describing the modalities for the planned processing of personal data, are compulsory now.

Then I'm coming to some closing remarks of my general introduction.

***Closing remarks general introduction***

The Netherlands is strongly committed to the UPR-process, having voluntarily submitted a mid-term review in 2010 and constructively contributing to UPR-sessions of other UN member states. We believe that, in every country, there is room for improvement when it comes to human rights. I would like to emphasize that The Netherlands will take the recommendations put forward during this second UPR cycle very seriously. We will assure a serious and transparent follow up of the recommendations we receive – informing the Council of the state of play by means of an interim report. My delegation and I will be at your disposal to answer any questions you may have to the best of our abilities.

I would like to thank you for your attention.

## **Closing remarks UPR Session**

Mr/Mrs president, distinguished representatives of the member states,

If I'm right, we have come up to an end of this UPR hearing session, since (my colleagues and) I have answered (nearly) all questions submitted by the representatives of the member states.

Please note that I will further study the different recommendations and questions, and report to you before September 2012.

As I have emphasised in my introduction, we believe that in every country, there is room for improvement when it comes to human rights. The Netherlands (and other countries of the Kingdom) are not excluded from that. The last thing one should do is to consider the upholding of human rights as something that is selfevident.

Therefor I'd like to thank al member states for having submitted their questions and having made their comments. They gave us a good opportunity to explain our policy and legislation and to learn as well. In return we hope you have got a better understanding of the Kingdom views on all issues that were passed in review. We answered your questions to the best of our abilities anyhow.

I'm sure that the recommendations put forward during this second UPR cycle will be taken very seriously and that a transparent follow up of the recommendations we receive will be assured.

I would like to thank you for your attention.

