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Совет по правам человека

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**Поощрение и защита всех прав человека,
гражданских, политических, экономических,
социальных и культурных прав, включая
право на развитие**

Посещение Нидерландов

Доклад Независимого эксперта по вопросу о правах человека и международной солидарности* **

Резюме

Независимый эксперт по вопросу о правах человека и международной солидарности Обиора Чинеду Окафор посетил Швецию 5–13 ноября 2018 года в соответствии с резолюцией 35/35 Совета по правам человека. Основная цель поездки заключалась в изучении и выяснении того, каким образом страна отражает права человека в своей стратегии и деятельности в рамках международной солидарности, сборе информации о передовой практике в этой области и выявлении областей, требующих улучшения положения. Независимый эксперт также стремился понять, каким образом проявляется в стране солидарность, в частности в отношениях между европейской и карибской частями Нидерландов.

Настоящий доклад состоит из четырех основных разделов, в которых рассматриваются: усилия, направленные на поощрение прав человека на международном уровне; области международного сотрудничества и помощи в целях развития как формы международной солидарности; встретившиеся в ходе поездки примеры передовой практики в области международной солидарности; а также выявленные в ходе поездки проблемы и области, являющиеся предметом озабоченности. Отдельный раздел посвящен посещению карибского острова Бонайре.

* В силу обстоятельств, не зависящих от лица, представляющего настоящий доклад, было принято решение выпустить его после установленной даты публикации.

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Annex

Report of the Independent Expert on human rights and international solidarity on his mission to the Netherlands

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I. Introduction

1. The Independent Expert on human rights and international solidarity, Obiora Chinedu Okafor, visited the Netherlands from 5 to 13 November 2018, at the invitation of its Government.
2. During his nine-day visit, the Independent Expert travelled to the seat of the Government, The Hague, as well as the capital city, Amsterdam. He also travelled to the island of Bonaire in the Dutch Caribbean.
3. In The Hague, the Independent Expert met with the Deputy Director and Vice-Minister for International Cooperation at the Ministry of Foreign Affairs, as well as other government officials and representatives from the Ministry of Foreign Affairs, the Ministry of Social Affairs and Employment, the Ministry of Infrastructure and Water Management, the Ministry of the Interior and Kingdom Relations and the Ministry of Justice and Security, as well as with representatives of civil society organizations and the Netherlands Institute of Human Rights, the national human rights institution. Unfortunately, a scheduled meeting with Members of Parliament from the governing and opposition parties was cancelled at the last minute by the organizers. In Amsterdam, the Independent Expert met with the municipal authorities and visited the Shelter City Project run by the Urgent Foundation with the support of the city of Amsterdam. He also met with civil society organizations. In Bonaire, he was honoured to meet the Governor of the island and also held meetings with the representative of the Kingdom of the Netherlands in Bonaire, as well as with the departments of immigration, tax authority and social services. He also met with local government and civil society organizations and visited the Krusada Foundation. He would like to warmly thank all those who took the time to meet and exchange views with him.
4. The main objectives of the Independent Expert's visit to the Netherlands was to learn about the nature and scope of development cooperation and other solidarity activities in the Netherlands; to engage in dialogue with the Government, civil society and development agencies on their efforts to implement solidarity (including cooperation) at the national level; and to identify practical solutions and good practices in international solidarity conducive to the realization of human rights, including economic, social and cultural rights and civil and political rights, in the Netherlands.
5. With a view to the possible global dissemination of any observed good practices, the Independent Expert was also particularly interested to learn about how the principle of solidarity is applied at the national level, in particular with regards to redistribution of wealth through taxation and social and economic welfare programmes and how the Netherlands addresses the challenges of climate change and water management, cross-border migration and international cooperation in this regard, as well as solidarity between the European and the Caribbean parts of the country.
6. Finally, the Independent Expert was keen to learn about the interrelation between Dutch non-State actors, including civil society organizations and private businesses, and their role in promoting international solidarity.

II. Applicable constitutional and human rights framework

7. The Netherlands is a parliamentary democracy. The Government consists of the King, the Prime Minister and the ministers. The Constitution (Grondwet) provides that the ministers, and not the monarch, are responsible for the acts of the Government. Chapter 1 of the Constitution guarantees the rights of all persons in the Netherlands. These "fundamental rights" relate to human rights. They include freedom from discrimination, freedom of religion and expression and the right to privacy. Social rights, such as the rights to housing and health care, are also laid down in the Constitution. The Constitution further provides that no Government may remain in power against the will of the parliament.
8. The current Head of State is King Willem-Alexander, who assumed the throne after his mother, Queen Beatrix, abdicated on 30 April 2013. The current Head of Government, in that office since 14 October 2010, is Prime Minister Mark Rutte. The executive power is held

by the Council of Ministers, the deliberative organ of the Dutch Cabinet. The Cabinet usually consists of 13 to 16 ministers and a varying number of State secretaries.

9. The States General (Staten-Generaal), as the Parliament is officially known, consists of two houses: the First Chamber (Eerste Kamer), or Senate, whose members are elected by the members of the councils of the 12 provinces, and the directly elected Second Chamber (Tweede Kamer), or House of Representatives. Both houses share legislative power with the Government. The two legislative houses control government policy. The First Chamber can approve or reject legislation but does not have the power to propose or amend it.

10. Every four years, after elections to the Second Chamber have been held, the Government resigns and a process of bargaining starts between elected party leaders aspiring to form a coalition Government that will be assured of the support of a parliamentary majority. The last general elections were held on 15 March 2017 to elect all 150 members of the Second Chamber. The party of the Prime Minister, the People's Party for Freedom and Democracy (VVD), lost seats but remained the largest party, while the Labour Party (PvdA) saw a massive loss in vote share and seats, failing to win a single municipality for the first time in the party's history. The Party for Freedom (PVV) made gains to reach second place, with the Christian Democratic Appeal (CDA), Democrats 66 (D66) and GreenLeft also increasing their number of seats.

11. Since 10 October 2010, the Kingdom of the Netherlands has consisted of four countries with varying degrees of independence: the Netherlands, Aruba, Curaçao and Sint Maarten. Aruba was part of the Netherlands Antilles until 1 January 1986 and Curaçao and Sint Maarten were part of the Netherlands Antilles until 10 October 2010, when the Netherlands Antilles was dissolved. Curaçao, Sint Maarten and Aruba qualify as quasi-autonomous countries within the Kingdom, with their own governments. The four parts of the Kingdom participate on a basis of equality as partners in the Kingdom. The other Dutch Caribbean islands – Bonaire, Sint Eustatius and Saba, which were also part of the Netherlands Antilles until 10 October 2010 – have become special municipalities within the country of the Netherlands.

12. Only the Kingdom of the Netherlands is a State. Only the Kingdom – consisting of the Netherlands, Aruba, Curaçao and Sint Maarten together – has international legal personality. Therefore, it is only the Kingdom that concludes, ratifies and accedes to international legal agreements such as treaties and conventions. However, the geographical applicability of these agreements may be confined to Aruba, Curaçao, Sint Maarten, the European part of the Netherlands and/or the Caribbean part of the Netherlands (the islands of Bonaire, Sint Eustatius and Saba). Treaty implementation and compliance is an autonomous responsibility of the individual countries, i.e. Aruba, Curaçao, Sint Maarten and the Netherlands (for the European and Caribbean parts of the Netherlands). Nevertheless, the Kingdom of the Netherlands remains accountable under international law as the Contracting Party.¹

13. The Netherlands is party to most international human rights instruments, although it has yet to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, the Optional Protocol to the Convention on the Rights of Persons with Disabilities and the Optional Protocol to the Convention on the Rights of the Child on a communications procedure.

14. The Netherlands is also a party to most European human rights instruments adopted by the Council of Europe, including: the Convention for the Protection of Human Rights and Fundamental Freedoms and its Protocols; the European Cultural Convention; the European Social Charter, its Additional Protocol, its Protocol Amending the European Social Charter and its Additional Protocol Providing for a System of Collective Complaints; the European Convention on the Suppression of Terrorism; the European Convention on the Legal Status of Migrant Workers; the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment; the Framework Convention for the Protection of

¹ See Ministry of Foreign Affairs, "Kingdom of the Netherlands: one Kingdom – four countries", The Hague, April 2015.

National Minorities; the Council of Europe Convention on Action against Trafficking in Human Beings; the Council of Europe Convention on the Prevention of Terrorism; and the Council of Europe Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism.

15. The Netherlands has established a national human rights institution according to the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles): the Netherlands Institute of Human Rights. There are also two ombudsperson offices dealing with human rights issues, the National Ombudsman and the Ombudsman for Children. There is also an Ombudsman for Curaçao.

16. The Netherlands has adopted several national action plans regarding human rights issues.

III. Efforts towards the advancement of human rights at the international level

A. Foreign policy and human rights, democracy and rule of law

17. The Netherlands has a long-standing tradition of supporting human rights at home and abroad. Human rights are enshrined in the Dutch Constitution, and the State is committed to implementing the many international instruments to which the Netherlands is a party. The Netherlands has also developed a National Action Programme on Discrimination and was in the process of elaborating a new National Action Plan on Human Rights at the time of the visit.

18. The Independent Expert was informed that human rights constitute the cornerstone of Dutch foreign policy.² Within the European Union, the Netherlands advocates its human rights policy at both multilateral and country levels, since it is the “silver thread” of European Union external policy and, since late 2016, an explicit part of the European Union Global Strategy. Human rights was also one of the country’s priorities as a member of the Security Council in 2018, with a special focus on promoting the international legal order and the fight against impunity. The Netherlands advocates greater attention to human rights violations as a warning sign and cause of threats to peace and security.

19. The Dutch foreign policy reflects the conviction of the Government and its coalition parties that observance of human rights will lead to a more stable and prosperous world which, as the Minister of Foreign Affairs affirmed in the parliamentary debate on his ministry’s budget in November 2017, is in the interests of the Netherlands. The Independent Expert was informed, and observed, that promoting human rights was in the country’s own interest because democracies governed by the rule of law provide the most fertile soil for prosperity, stability, growth and development.

20. The Independent Expert was informed that the budget of the Netherlands Human Rights Fund was being increased by €7.4 million in 2018 from the previous year (of which €5.4 million will be included in the First Supplementary Budget and €2 million in the Second Supplementary Budget), and by €9.6 million from 2019. Furthermore, the coalition agreement of the governing parties explicitly affirms the need to promote the international legal order and human rights in foreign policy. The Human Rights Fund specifically mentions a number of vulnerable groups: lesbian, gay, bisexual, transgender and intersex persons, religious minorities and journalists. The Government is also continuing existing efforts to defend freedom of expression, advance equal rights for women and girls, protect human rights defenders and promote the international legal order and the fight against impunity, in line with established international human rights policy.

21. Another major government focus is the theme of business and human rights, because of its close connection with broader questions concerning international and domestic

² For more information, see Ministry of Foreign Affairs, *Human Rights Report 2017: Updated International Human Rights Policy: Activities and Result*, The Hague, August 2018.

corporate social responsibility and the enhancement of value chain sustainability. The issue of business and human rights is included in the Policy Document on Foreign Trade and Development Cooperation (BHOS).³ This policy document also opts for the broad human rights approach reflected in the Sustainable Development Goals.

22. Similarly, adequate space for civil society is a prerequisite for the exercise and promotion of human rights and the global implementation of human rights policy. Accordingly, the Netherlands tries to protect and promote this space in its international relations and, where possible, to enlarge it.

23. The Independent Expert was informed of the priority issues which the Dutch Government has decided to focus on in its foreign human rights policy. The Netherlands will continue to strive to protect freedom of expression, online and offline, and the right to information, continuing to promote independent and pluralist media with a particular focus on the position of women in the media. The Netherlands is endeavouring to ensure that human rights defenders can continue to do their work online in safety. The Netherlands also defends at the international level the right of individuals to shape their own religious or philosophical identity, to uphold theistic, non-theistic or atheistic convictions, to change their faith or to have no faith.

24. The Netherlands will continue to improve the position of women and girls worldwide and to attain gender equality. Gender equality contributes to the achievement of a number of Sustainable Development Goals. The implementation of Security Council resolution 1325 (2000), the fight against violence against women and against child marriage, and the promotion of women's economic and political participation will remain core Dutch priorities. Sexual and reproductive health and rights is an integral part of Dutch policy on women's equal rights.

25. The Netherlands has a policy of supporting and protecting human rights defenders from around the world, with a focus on safety and security, capacity-building and innovation, defending, and where possible enlarging, the space for civil society. The Netherlands is providing practical help to human rights defenders by establishing regional relocation initiatives for them, called regional Shelter Cities. These Shelter Cities allow human rights defenders to catch their breath and deepen their knowledge concerning digital, physical and psychological safety (see below).

26. The Netherlands also supports equal rights for lesbian, gay, bisexual, transgender and intersex persons, focusing specifically on decriminalizing homosexuality, combating discrimination and violence and promoting social acceptance, in accordance with the coalition agreement.

27. Finally, the Netherlands promotes the international legal order. A solid rule of law, at international as well as national level, is a precondition for peace and democracy and thus for safeguarding human rights. Accordingly, the Netherlands has been working in a number of countries to strengthen democracies governed by the rule of law.

B. Foreign policy – and international solidarity-related areas

28. The Independent Expert was informed that the Netherlands is thriving economically, as an important trading nation and one of the world's most innovative and competitive economies. In line with this privileged situation, he was made aware that the Dutch policy on foreign trade and development cooperation is geared to respond to major changes and challenges around the globe: the growth of conflict and instability, large flows of refugees and migrants, the continued existence of extreme poverty in many countries, high levels of population growth in certain regions, climate change, inequality of opportunity, rapid technological developments and digitalization, rising protectionism, steep international competition and recent trade conflicts.

³ *Investing in Global Prospects: For the World, For the Netherlands*, Ministry of Foreign Affairs, The Hague, May 2018.

29. In its Policy Document on Foreign Trade and Development Cooperation, the Dutch Government sets out the various policies announced in the agreement that inaugurated the governing coalition, making clear in particular that Dutch development cooperation – as an integral component of foreign policy – aims to target the root causes of poverty, migration, terrorism and climate change. In addition, the Independent Expert was informed of the four objectives of Dutch foreign trade and development cooperation, namely the prevention of conflict and instability; the reduction of poverty and social inequality; the promotion of sustainable and inclusive growth and climate action worldwide; and the enhancement of the international earning capacity of the Netherlands.

30. The foreign trade and development cooperation policy also includes the improvement of the protection and prospects of refugees and displaced persons in host countries in their region of origin and the prevention of irregular migration. A cross-cutting goal of the policy is to advance gender equality and improve the position of women and girls, meaning that gender equality is at the core of the whole cooperation policy. The Netherlands also promotes innovation in support of the Sustainable Development Goals (see more below).

31. As per the foreign trade and development cooperation policy, the Netherlands works closely with civil society, businesses and knowledge institutions such as research institutes, universities and think tanks. In developing countries, Dutch activities are tailored to align them to respective national action plans, including those for the implementation of the Goals. At the international level, the Netherlands works closely with its European Union partners and like-minded European Union member States, along with multilateral development banks and United Nations agencies.

32. The Independent Expert was also pleased to learn that the Government was working towards increasing the development budget so that it would amount to 0.7 per cent of the gross national income by 2030.

33. The foreign trade and development cooperation policy also focuses on preventing conflicts and combating instability and insecurity, as issues like poverty, conflict, terrorism, climate change, population growth and irregular migration are closely intertwined. The Independent Expert was informed that the Government is investing in programmes that specifically target countries in the vicinity of Europe, particularly in the Sahel, the Horn of Africa, the Middle East and North Africa, in efforts to support stability, poverty reduction and inclusive growth as a structural and long-term investment in limiting the pressures associated with refugees, internally displaced persons and migrants.

34. The foreign trade and development cooperation policy also deals with climate action and mobilizing the private sector for sustainable and inclusive growth worldwide, as preconditions for future prosperity and development. The Government supports developing countries in their efforts to tackle the consequences of climate change and strengthen their economies, and also encourages corporate social responsibility, fair and sustainable global value chains and a future-proof multilateral trade and investment system that stimulates sustainable growth and development.

35. Finally, the Independent Expert was informed that the foreign trade and development cooperation policy aims to secure the highest possible return on trade and investment promotion, with a particular emphasis on small and medium-sized enterprises and start-ups. The Netherlands aims to promote an international level playing field and to maintain its share in existing markets, tapping into new markets, encouraging companies to become active internationally and promoting an attractive business climate at home.

IV. Areas of international cooperation and development assistance as forms of international solidarity

A. Labour rights and corporate social responsibility

36. The Independent Expert was pleased to learn about the efforts that have been made by the Government and by several civil society organizations, company employees and

private businesses to get Dutch companies to implement corporate social responsibility and human rights principles in their work abroad, most often in accordance with the Guiding Principles on Business and Human Rights and the Organization for Economic Cooperation and Development (OECD) Guidelines for Multinational Enterprises. He was also impressed by the Government's commitment to the promotion of labour rights, particularly in international forums such as the International Labour Organization, the European Union, the World Trade Organization, OECD and the United Nations.

37. The foreign trade and development cooperation policy also aims to have goods and services sustainably made and with respect for human rights, as everyone should have the opportunity to find decent work and be paid a living wage. The Government mentioned that it follows an integrated approach to corporate social responsibility and sustainable global value chains, and is working on upscaling this approach to the European Union level in order to increase its impact.

38. Dutch businesses are linked to businesses and employees in other countries through their production chains. Through the foreign trade and development cooperation policy, the Netherlands is pursuing an integrated approach to sustainable value chains together with the business community and non-governmental organizations (NGOs) like Solidaridad, IDH – The Sustainable Trade Initiative and the UTZ programme providing certification for sustainable farming of coffee, tea, cocoa and hazelnuts. Positive results have already been achieved in the textile and palm oil sectors, as Dutch businesses have almost achieved their aim of buying only 100 per cent sustainable palm oil by 2020. The Government also wants to make a difference in the cocoa sector, where the business community has also committed itself to 100 per cent sustainable purchasing.

39. The Government is also pursuing a policy to raise the minimum wage to an acceptable level and eradicate child labour through a multi-stakeholder approach, where Governments, businesses and civil society organizations create the conditions for improvement. The Netherlands is therefore working with businesses and NGOs and with other Governments and international organizations to create reliable institutions and effective legislation that promotes sustainable production and to strengthen labour inspections. Similarly, projects to advance living wages are being developed, including in the sectors in which voluntary corporate social responsibility agreements have been concluded among Dutch parties. To eradicate child labour, a special Fund against Child Labour has been established for Dutch businesses. Finally, the Government is helping Dutch businesses to apply due diligence to identify the risks of abuses in their supply chains and to prevent and mitigate such risks as far as possible. Trade associations, businesses, labour unions, civil society organizations and Government work together to achieve this through voluntary agreements.

B. Climate change

40. The Independent Expert was informed of the commitment of the Dutch Government to climate action, both at home and abroad. The Netherlands is a signatory to the climate agreement concluded in Paris at the end of 2015, and has set high national ambitions (e.g., by 2030, greenhouse gas emissions must be reduced by 49 per cent compared with 1990 levels); this will require far-reaching changes. At the international level, the Governments and the private sector of developed countries, including in the Netherlands, have pledged jointly to invest \$100 billion a year in climate adaptation and mitigation in developing countries in the period from 2020 to 2025. The Netherlands is active in many areas in helping developing countries adapt to climate change and achieve energy transition. These efforts are coordinated with the national climate plans of the concerned countries.

41. The Government has increased its contribution to international climate financing by an additional €80 million per year, €40 million of which is to be allocated to a new national fund for climate and development. The fund focuses on financing climate projects in developing countries with an emphasis on climate adaptation, though projects aimed at mitigation are also eligible for support. The fund will be accessible for projects in all developing countries, with special attention paid to the poorest countries and focus regions.

The aim is to make Dutch knowledge of water security, climate-proof agriculture, sustainable energy technology and the circular economy more accessible to developing countries.

42. In addition, the Netherlands supports the Green Climate Fund, which is evolving into a central fund for implementation of the Paris Agreement, as well as the Global Environment Facility, which has been carrying out numerous climate-related projects since 1992, for example to preserve biodiversity and combat land degradation.

43. The Government also reported that it is supporting various global initiatives, including the Nationally Determined Contributions (NDC) Partnership⁴ and the Climate and Development Knowledge Network,⁵ as well as the Global Centre of Excellence on Climate Adaptation,⁶ co-launched by the Netherlands in 2017. In addition, making Dutch knowledge and expertise on sustainable transport available can help developing countries set up climate-proof physical infrastructure.

44. Finally, the Government has set itself the aim of helping 50 million people in developing countries gain access to renewable energy by 2030 by supporting various programmes in this area, including the Energising Development (EnDev) programme, which includes solar energy and clean cook stoves. To combat deforestation and offer new economic prospects for the future to small farmers in particular, the Netherlands is supporting international initiatives like the European Union Forest Law Enforcement, Governance and Trade (FLEGT) Facility and the Reducing Emissions from Deforestation and Degradation (REDD+) initiative.

C. Cross-border migration and refugee issues

45. The Independent Expert was informed that the Comprehensive Agenda on Migration of the Dutch Government consists of a six-pillar agenda: preventing irregular migration; improving reception and protection for refugees and displaced persons in the region; achieving a robust asylum system based on intra-European Union solidarity; combating irregular residence and stepping up returns; promoting legal migration routes; and encouraging integration and participation.

46. The Government works with European Union partners to improve cooperation with countries of transit to provide effective migration management and combat people smuggling and human trafficking. The Government is also working on campaigns to raise awareness about the migration process and arrange wide-ranging partnerships and migration agreements to be concluded at the European Union level. The Government is also seeking cooperation with the Office of the United Nations High Commissioner for Refugees (UNHCR) and the International Organization for Migration. Similarly, the Government is strengthening the capacity of its police forces' external borders control at airports and seaports and also working on the digitization of border management with the aid of European funds in order to strengthen border checks, improve internal security and promote the mobility of bona fide travellers.

47. The Government is seeking to achieve a better division of responsibility between countries of origin, transit and destination with the help of emergency aid or resettlement programmes. The Government will press for migration agreements to be concluded at the European Union level with safe third countries pertaining to the reception and readmission of asylum seekers. Each agreement must be custom-made, the guiding principle being that the countries concerned comply with the conditions laid down in the 1951 Convention relating to the Status of Refugees.

48. The Government also seeks to ensure that the level of protection provided to and the framework for asylum procedures (introduced by the reform of the Common European Asylum System) are the same in all European Union member States. This will help to harmonize European asylum policy to prevent "asylum shopping"; discourage asylum

⁴ See <https://ndcpartnership.org/countries-map/country?iso=NLD>.

⁵ See https://cdkn.org/about/?loclang=en_gb.

⁶ See <https://gca.org/our-work>.

seekers who have already submitted an asylum application from travelling elsewhere; and achieve an asylum policy in which member States support each other by means of a redistribution mechanism. For this to occur, European Union subsidies allocated in the multi-annual financial framework should in future be partly tied to the reception and integration of migrants who are entitled to asylum. The Government is working on a more flexible, financially efficient and socially responsible asylum system.

49. The Repatriation and Departure Service, together with the migration system, municipal authorities and other relevant parties, is engaging to remove any barriers that may exist to removing migrants not permitted to stay in the Netherlands and, where possible, to encourage such persons to leave of their own accord.

50. The migration of highly skilled migrants will be facilitated by introducing shorter procedures and more digital services, and for other migrant workers by making it possible to grant three-year work permits.

51. The Government announced that it is responding to a request from UNHCR for the resettlement of urgent individual cases through the Emergency Transit Mechanism. In addition, the Government has decided to continue its resettlement effort on the basis of European Union migration agreements, up to a maximum of 1,000 people in 2018 and 750 up to the end of October 2019.

52. Finally, the Government is encouraging integration and participation for migrants and asylum seekers who have been granted residence (see more below).

D. Social inclusion

53. The Independent Expert was informed that the Netherlands has a strong social inclusion system, based on the principles of solidarity. The social security system of the Netherlands is based on social insurance systems and supplementary income support provisions. The main principle of this system is that all members of society must be able to play an equally active role in society.

54. The social security system is based on the principle that those who are capable of working must work, because participating as a working member of society is the best way to avoid social exclusion. Certain groups, however, may need support in finding their place in the labour market. These include elderly persons, those with a disability, families on low income, ethnic and other minorities, homeless persons and those with addiction problems.

55. Local authorities are mainly responsible for social welfare, and they are increasingly opting for neighbourhood-level strategies and integrated solutions to local social and economic problems. The aim is to create flourishing communities in which every resident feels involved.

56. Another important political issue in the country is the sustainability of the social security system. The demographics of its ageing population means that the number of persons over 65 in relation to the working population will rise sharply. If the social security system is to continue working in the future, it will need to secure the employment of more persons than before.

57. The Netherlands has four national insurance schemes: a child benefit (AKW), an old age pension (AOW), a survivor benefit (Anw) and the Long-term Care scheme (Wlz). In principle, everyone who lawfully lives in the Netherlands or works in the Netherlands is insured under these national insurance schemes. One is insured for these national insurance schemes irrespective of whether one is employed. Similarly, there are also child benefit payments for parents raising children under the age of 18 as well as child-related budget allowances for expenditures for families under a certain threshold. There is also health-care insurance covered by the basic insurance (Zvw) and long-term nursing and care (WLZ), as well as work and income invalidity benefits in case of a temporary or permanent incapacity to work (IVA and WGA benefits).

58. Finally, the Independent Expert was informed that asylum seekers and migrants who have been granted residence are encouraged to integrate into, and participate in, Dutch

society. To achieve this, the Government has increased its investment in rapid integration through civic integration programmes. Municipal authorities also play a role via the “participation procedure and statement”, whereby civic integration candidates sign a statement that sets out the values and basic rules of Dutch society. The Government will continue this investment and will improve the current civic integration system as follows: the language requirement considered successful for integration into Dutch society will be raised; the Government will improve both the quality and quantity of support by giving municipal authorities more control over the process of civic integration; housing and health care of newcomers will be integrated in the civic integration programme; and the number of first-generation migrants obtaining Dutch nationality will be expanded.

V. Examples of good international solidarity practices

A. Commitment to the 2030 Agenda for Sustainable Development and other relevant instruments for international solidarity

59. During his visit, the Independent Expert was pleased to hear that among all the government interlocutors he met there was a strong consensus regarding the need to faithfully implement the 2030 Agenda and the Sustainable Development Goals. The Independent Expert was also informed of the willingness of these actors to act in solidarity with those facing inequality, poverty and oppression, whether inside or outside the country. The Independent Expert is of the view that, thanks to its democratic system and steady economic development over decades, the Netherlands is in a favourable position to implement the 2030 Agenda and the Goals. The Government has consistently expressed its willingness to be a leading nation in the implementation of the Goals, both at the global and the national level.

60. The Netherlands has a long history of involvement in sustainable development. Since 2000, through its development policy the Netherlands has made an active contribution to the predecessors of the Sustainable Development Goals, the Millennium Development Goals. Through investment in primary education, access to clean drinking water and the vaccination of children, the Netherlands has made a strong contribution to the progress made in developing countries in these domains.

61. The Independent Expert was informed that the four countries of the Kingdom of the Netherlands (Aruba, Curaçao, the Netherlands and Sint Maarten) have reported jointly to the High-level Political Forum on Sustainable Development.⁷ While each quasi-autonomous country within the Kingdom has its own political reality and is in a different phase of implementing the Goals, all of them are committed to the 2030 Agenda as a whole and to achieving the 17 Goals at home. Responsibilities for the implementation of the Goals have been assigned to all the ministries concerned, with the Minister for Foreign Trade and Development Cooperation in charge of overall coordination. A Sustainable Development Goals network of focal points comprised of representatives from each ministry and the Association of Netherlands Municipalities has been established and meets regularly. It is chaired by a specially appointed high-level coordinator for national implementation of the Goals, assisted by a secretariat. The Netherlands was one of the first countries to conduct a baseline survey of national efforts to achieve the Goals. The Independent Expert was informed that data were currently available for 37 per cent of the indicators,⁸ while Statistics Netherlands and other bodies were still compiling data to measure progress on the other indicators.

62. The implementation of the Goals by the Netherlands focuses on its own territory and its footprint (the negative effects of consumption there on human beings and on the environment elsewhere), on the one hand, and on international solidarity on the other. In addition to the Dutch Government, many parties also contribute actively to the

⁷ See Kingdom of the Netherlands, “Report on the implementation of the Sustainable Development Goals”, Ministry of Foreign Affairs of the Netherlands, The Hague, July 2017.

⁸ *The Sustainable Development Goals: The Situation for the Netherlands*, Statistics Netherlands, The Hague, 2018.

implementation of the Goals: local governments, businesses and the financial sector, civil society, knowledge institutes and the National Youth Council.

63. These groups also contributed to the first national report on the implementation of the Sustainable Development Goals, presented to the House of Representatives on 24 May 2017. This first report on the implementation of the Goals also formed the basis of the Dutch presentation at the High-level Political Forum on 19 July 2017. During the presentation, the Dutch Minister for Foreign Trade and Development Cooperation gave details of the Dutch situation and approach to the Goals. A number of areas of concern were mentioned, such as greenhouse gas emissions, the gender pay gap and the alignment between education and the labour market.

64. In addition to the 2030 Agenda, the Dutch Government vowed to contribute actively to support and promote the implementation of the Paris Agreement and the Addis Ababa Action Agenda of the Third International Conference on Financing for Development. The Independent Expert is pleased with the commitment from the Government of the Netherlands to support and implement these agreements aimed at improving global living conditions and advancing human rights-based international solidarity.

B. National Action Plan on Human Rights

65. The Independent Expert was pleased to hear about ongoing work towards the preparation and adoption of a new National Action Plan on Human Rights through several open and transparent consultations with relevant stakeholders. He hopes that this process will lead to a comprehensive and inclusive National Action Plan which will include combating inequality and discrimination as part of the human rights-based solidarity of members of Dutch society at large with each other.

66. He was informed that the National Action Plan on Human Rights of 2013, which is still in force, sets out the ways in which the Government fulfils its responsibility to protect and promote human rights in the Netherlands; the specific objectives and priorities in this regard; and the role of other bodies and individuals in ensuring respect for human rights in the Netherlands. The aim is to place the protection and promotion of human rights in the Netherlands on a more systematic footing.

67. With the first National Action Plan on Human Rights, the Government sought to respond more specifically to recommendations urging the Netherlands to develop such a plan, including by the Human Rights Committee, the universal periodic review and regional bodies, including the Commissioner for Human Rights of the Council of Europe.

68. That National Action Plan described the wide-ranging responsibilities of the State, and in particular those of the Government, for upholding and promoting respect for human rights within its borders. It also featured the different human rights mechanisms available in the Netherlands and the measures that had been initiated to improve the protection of human rights in the Netherlands, and was designed to provide a platform for dialogue and monitoring among all stakeholders.

C. Water management

69. The Independent Expert commends the Netherlands for its innovative approach to living in a more sustainable and environmentally friendly way, and the measures to ensure a more sustainable society at home and abroad. The management of water through independent non-politicized boards is, in the view of the Independent Expert, a creative example of innovation that could be replicated in other countries facing similar environmental issues and could develop into a positive contribution to international solidarity in this area.

70. The Independent Expert was informed that the Ministry of Infrastructure and Water Management (RWS) and the water boards are charged with water management in the Netherlands. Among other tasks, they are responsible for ensuring a sufficient supply of water and protecting the country against flooding. Provinces and municipalities are also involved in water management.

71. RWS is responsible for the management of major waterways, such as the sea and the rivers. RWS ensures that the government authorities responsible are alerted in good time to floods or stormy seas. In addition, RWS maintains dykes, dams, weirs and storm surge barriers. Furthermore, RWS protects the coast and gives more room to rivers, for example by deepening floodplains and constructing secondary channels. District water boards are responsible for regional waters, such as canals and polder waterways. These boards ensure that the water is clean in order to keep fish stocks up to par. The district water boards also protect the country from flooding and ensure that farmers have sufficient water for their crops. Furthermore, they are responsible for wastewater purification.

72. The Water Act sets out the responsibilities of the various government authorities involved in water management. The central Government is responsible for national policy and national measures and bears responsibility for the flood protection standards pertaining to the primary flood defence systems, such as the dykes and dunes that protect the country against water from the sea and the major rivers. The provinces are responsible for translating national water policy into local measures and have operational duties with respect to some water management issues, such as the removal of groundwater from the soil. The Soil Protection Act stipulates that the management of groundwater quality is a task vested with the provinces.

73. The district water boards draw up management plans regarding the water quality of the waters within their district. In addition, they are responsible for the regional flood defence systems that protect the country against water from the canals. Groundwater in urban areas is the responsibility of the municipalities. In addition, the municipalities are responsible for the drainage of wastewater and excess rainwater through the sewer systems, as dictated by the Water Act and the Environmental Management Act.

74. The Netherlands has adopted a National Water Plan for the period 2016–2021 which sets out the Dutch flood risk management and freshwater supply policies. The National Water Plan specifies the strategies to be pursued with respect to areas particularly abounding in water, such as the Rhine-Meuse delta and the coastal area. It also examines optimum ways to accommodate water in the spatial planning of the Netherlands and the costs involved.

75. In addition, the Independent Expert was pleased to learn that the Netherlands wishes to help other countries around the globe in the prevention of flood disasters. Together with other countries possessing water expertise, the Dutch Government is keen to provide specialists to help countries that lack such knowledge.

D. Shelter City Amsterdam

76. The Independent Expert was impressed by the significant work undertaken by the municipal authorities of Amsterdam to promote and protect human rights, in particular their extensive work on diversity, inclusion of migrants and refugees, and the promotion of human rights internationally. He was equally impressed by the Shelter City Project which he had the opportunity to visit, meeting with the volunteers and one of the grantees in residence.

77. This project was established in 2012 at the request of a network of international human rights defenders. After the first Shelter City in The Hague, Middelburg joined in 2014, followed by Nijmegen, Maastricht, Utrecht and Amsterdam in 2015, Tilburg and Groningen in 2016 and Zwolle and Haarlem in 2017. In 2018 international cities such as Tbilisi, Dar es Salaam and San José joined the network as International Shelter City Hubs. The expectation is that other cities (in or outside the Netherlands) will join in the future. The growing number of applications from human rights defenders under threat shows that new Shelter Cities are developing.

78. In every Shelter City the municipality, local organizations, universities and local Justice and Peace branches provide shelter and take care of the selected human rights defender. Together they organize meetings and workshops that contribute to the raising of awareness about human rights issues among the inhabitants of the Shelter Cities.

79. Human rights defenders who are being threatened because of their work qualify for a stay of three months in one of the Dutch Shelter Cities. During their stay in the Netherlands

they continue their work in safety. They also expand their network with civil society organizations and political contacts. They can also follow trainings at different universities or other institutions to improve their skills. They are also able to meet other city residents.

80. The Independent Expert considers this project, which provides safe spaces for human rights defenders, as an example of best practice that should be replicated by other local governments.

VI. Challenges and areas of concern manifested during the visit

81. The Independent Expert was also informed of the challenges faced by persons of migrant or minority ethnic descent, especially with regards to discrimination in employment, social life and politics, as well as regarding their ill-treatment by the police. These challenges stand in the way of social cohesion and solidarity. This is particularly the case for persons of African descent and migrant women, who highlighted the challenges of integration into Dutch society even after generations of presence in the country. Too many of these migrant or ethnic minority families and groups do not feel that they have been socially and politically included to an adequate extent in Dutch society even after living in the Netherlands for generations.

82. The Independent Expert was also informed about the rise of xenophobic and populist discourses against migrants and refugees in the context of the latest political campaign, and the increased success enjoyed by some populist political parties in the latest election. Migrants and persons of African descent have stressed the negative consequences of these discourses as they feel marginalized and sometimes threatened and not welcome to integrate into the Dutch society.

83. The Independent Expert was also made aware of the shrinking of civic space as the Government has allegedly reduced funding to civil society organizations, which has resulted in their competing against each other for fewer resources and funds. He also heard allegations that only organizations that did not openly criticize official government policies were able to secure public funds for their work. This is said to have had a disproportionate impact on some immigrant and/or minority civil society groups that have criticized government policies on migration and discrimination.

84. The Independent Expert was also informed about the issue of poverty in the Netherlands, which has affected many people in the country. Structural poverty has also been an issue, with a significant number of persons affected being in paid work but unable to make ends meet. The number of homeless persons has also been on the increase. The Netherlands Institute for Human Rights has estimated that about 30,000 persons are homeless, and that 18 per cent of tenants struggle to pay their rent due to lack of sufficient income.⁹ The lack of sufficient social housing is also an issue for persons living in poverty, especially for older persons and persons with disabilities.

85. The situation of employment for migrants, ethnic minorities and persons with disabilities was raised, as such persons may experience discrimination in employment and hold low-level positions in the labour market. Many part-time workers, farmers and flexi-workers who are poorly paid and find themselves at risk of ending below the poverty line are said to face similar challenges. Persons with poor literacy skills and those with a low level of education are also at risk in a highly competitive and intensive labour market such as that in the Netherlands.

86. Finally, the Independent Expert found that many persons from migrant or ethnic minority background are highly educated and skilled and would like to assist their country of origin in providing assistance and development but are unable to do so.

⁹ Netherlands Institute for Human Rights, *Poverty, Social Exclusion and Human Rights: Human Rights in the Netherlands: Annual Status Report 2016*, pp. 8–12.

VII. The Dutch Caribbean – visit to Bonaire

87. In Bonaire, the Independent Expert was able to see first-hand the historical, geographical, ethnic and cultural differences between this Caribbean island and the European part of the Kingdom. He was also informed of the political changes that have affected the inhabitants since the new constitutional arrangements of 2010 that ended the Netherlands Antilles and made Bonaire a special municipality of the country of the Netherlands. The country of the Netherlands now exercises direct authority from The Hague, just as with any other city in the European part of the country.

88. The Independent Expert was informed that there are significant poverty issues on the island and that many people are struggling to make ends meet.¹⁰ The cause of these financial issues is often given as the change in currency from the Antilles guilder to the United States dollar and the corresponding price increases, the new tax system in force after 10 October 2010 and a lack of awareness among ordinary residents of Bonaire about income-related support measures. Vulnerable groups with a high risk of poverty include older people living on the State Pension (AOV), those with a disability that prevents them from working and single women with children.

89. At the time of the visit, no standards had been set for the level of provision of employment, income and social security, whereas this is the case in the European part of the country. Many of the people who work earn only the minimum wage, which is often too little to make ends meet. Since direct rule by the Netherlands was instituted, many people in Bonaire have found that their financial situation has worsened. Similarly, the Netherlands Government and the island municipality are facing challenges when it comes to improving the effectiveness of the labour market and expanding opportunities for finding jobs among local workers. The Independent Expert was also informed about the isolation of the island, as there is no ferry service between Bonaire and the neighbouring islands of Curaçao and Aruba so all travel has to be by air, at high prices. This can have an impact on the enjoyment of the human rights of residents of the island, especially their economic and social rights.

90. Since the new constitutional arrangements the level of education has improved substantially, although there remains an inadequate connection between education and the labour market and no post-secondary education is available on the island, leading to a brain drain of students to the European part of the Netherlands or the United States. Health care in Bonaire has improved since the transition, partly because of the introduction of public health insurance and investments in infrastructure, emergency transport, equipment and medical personnel.

91. Finally, there is a clear disparity in Bonaire when it comes to housing. At various locations around the island there are luxury residential complexes that are often populated by European Dutch people, whereas the outlying neighbourhoods of Kralendijk and Rincon have a preponderance of badly maintained, run-down housing where local islanders live.

92. The Independent Expert was able to see the efforts made by the Krusada Foundation, now an NGO, to prevent the occurrence of social problems affecting youth and other vulnerable persons on the island, as well as in their rehabilitation programmes for persons with addictions and those recently released from imprisonment.

VIII. Conclusions and recommendations

93. **The Independent Expert commends the Dutch Government and society for having endorsed and demonstrated commitment over the years to the concept and practice of human rights-based international solidarity, in line with their long tradition of human rights and rule of law.**

94. **Furthermore, the Independent Expert congratulates the Government and all relevant stakeholders for embracing the Paris Agreement, the 2030 Agenda for Sustainable Development and the Sustainable Development Goals to ensure a**

¹⁰ Ibid., pp. 48–52.

sustainable approach to their environmental actions, inside and outside the country. He welcomes the environmental and sustainable approach developed by the Government in its policies and strategies in all relevant activity sectors.

95. The policy of the Netherlands to welcome refugees and migrants has been in place for centuries and is noteworthy and appreciated. Coordination with its European partners and efforts towards aiding countries of departure and transit are also to be commended. However, in the context of the rise of xenophobic populist discourses against migrants and refugees in the latest political campaign and the increased success enjoyed by populist political parties in the latest election, the Independent Expert emphasizes that such discourses, especially as they are directed towards refugees and migrants, tend to jeopardize and threaten considerably efforts to advance human rights-based international solidarity.

96. The Independent Expert was impressed by the ability and will of the Government, as well as all the various relevant actors that he met from the civil society, business, social partners and among the people of the Netherlands, to make an effort to rethink the ways of addressing the many global challenges that the world is currently faced with, especially climate change, anti-migrant and refugee policies, social exclusion, etc. The large consensus within society and across the political spectrum on the imperative of practising human rights-based international solidarity witnessed by the Independent Expert during his visit is admirable. However, the Independent Expert would like to stress that these efforts at the expression of human rights-based solidarity should also extend in a more ample way to all the different parts of the Kingdom, including the Caribbean islands that form a part of the Kingdom, be they quasi-autonomous countries or an integral part of the country of the Netherlands.

97. The Independent Expert would like to offer the following recommendations to the Government with a view to further improving and reinforcing its efforts at the enhancement of human rights-based international solidarity.

98. The authorities should continue to strengthen their efforts with regard to the monitoring and evaluation of the implementation of the 2030 Agenda and the Sustainable Development Goals through the implementation of all relevant laws, policies, regulations, plans of actions, programmes and partnership agreements.

99. The Government should sign and/or ratify the different international human rights instruments that it is not yet party to: the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights; the Optional Protocol to the Convention on the Rights of the Child on a communications procedure; and the Optional Protocol to the Convention on the Rights of Persons with Disabilities.

100. Dutch businesses and funds should make more effort to integrate the Guiding Principles on Business and Human Rights into their day-to-day operations and in all their activities related to the advancement of international solidarity. In this regard, the Independent Expert also welcomes the country's commitment towards corporate social responsibility and its implementation of the Global Deal initiative. However, he urges it to continue to strengthen its commitment to and accountability for human rights-based international solidarity in this area, beyond the corporate social responsibility framework.

101. The Independent Expert encourages the Government to launch a new National Action Plan on Human Rights following extensive consultations with all relevant stakeholders. This new National Action Plan should address the issues of concern that have been identified by the national human rights institution, in particular the issues of poverty and discrimination. A specific component of this plan should be tailored to address the particular issues encountered in the islands of the Caribbean that constitute part of the Kingdom, as discussed above.

102. The Government should actively promote its good practices discussed above, in particular its social inclusion and sustainable water management policies and practices that can be replicated in other countries facing similar climate-change issues.

103. With regard to international cooperation and development aid in compliance with human rights-based international solidarity, the Government should continue to reinforce bilateral and multilateral partnerships with all relevant actors (civil society organizations, business, social partners, international and regional organizations, etc.) in this area, while strengthening its commitment to a human rights-based approach in all its relationships.

104. To act in compliance with human rights-based international solidarity with regard to migration issues, increased efforts should be made to ease the process of family reunification for persons granted refugee status; the forced return of migrants must be in compliance with international refugee and human rights protection requirements, as well as in line with the principle of human rights-based international solidarity.

105. Finally, in the light of the rise of xenophobic populist discourses against migrants and refugees, the Independent Expert urges the Government to enhance its efforts to combat such discourses, as they tend to jeopardize and threaten considerably the efforts to advance human rights-based international solidarity.
