

NETHERLANDS INSTITUTE FOR --- HUMAN RIGHTS

**Presentation Prof. Dr. Yvonne Donders,
Commissioner at the Netherlands Institute for Human Rights**

To be delivered at UPR Info's pre-session of the Netherlands in the Palais des Nations
29 august 2022

Distinguished delegates,

It is an honour to be here as Commissioner of the Netherlands Institute for Human Rights and highlight some concerns about the human rights situation in the Netherlands. The Institute is the independent National Human Rights Institute of the Netherlands, accredited with an A-status since 2014.

I will focus on four key human rights concerns reflecting or in addition to our written statement in March.¹ We coordinated with other speakers to cover as much ground as possible. There will be a session this afternoon for delegates in Room XXV at 14:00 hrs where we and several Dutch NGOs will answer any other questions you might have. I warmly invite you to join us there.

Our key concerns are:

1. Institutional racism
2. The human rights situation in the Caribbean Netherlands
3. The housing crisis
4. Aggression and intimidation aimed at journalists and media personalities

Institutional Racism in the Netherlands²

- Over the last 20 years, 26.000 parents were wrongly accused of fraud with childcare allowances. Applicants were singled out on the basis of their (dual) nationality and/or immigration background. The 'childcare benefits scandal' brought to light a fundamental problem of structural inequality and discrimination. It also revealed other issues. The government scanned for tax-fraud with indicators like 'financial contributions to a Mosque' and 'surnames that end with -ic'.³
- Following the scandals the government acknowledged the prevalence of institutional racism in the Dutch Tax Authority, but mainly as unconscious bias.⁴ Recognition is an

¹ Netherlands Institute for Human Rights, [Written Submission for the 41st session of the Universal Periodic Review Working Group concerning the human rights situation in the Netherlands](#), March 2022.

² During the previous UPR, the Netherlands received several relevant supported recommendations to combat racism, including: 131.28 (Cuba), 131.46 (Bulgaria), 131.47 (Belarus), 131.49 (Islamic Republic of Iran), 131.51 (Serbia), 131.53 (Angola), 131.54 (Uruguay), 131.55 (Panama), 131.56 (Iceland), 131.57 (Turkey), 131.58 (Burkina Faso), 131.69 (Bahrain), 131.72 (Guatemala), 131.83 (China), 131.84 (Lebanon), 131.91 (Maldives) and 131.103 (Republic of Moldova).

³ PWC, [Onderzoek Querys aan de Poort](#) [Research Querys at the gate], March 2022

⁴ This 'institutional racism' pertains to direct and indirect discrimination, both openly and hidden, in laws, policy, procedures and social structures, traditions and other behavioral mechanisms that

important first step, but the unconscious element does not relieve the government of responsibility. On the contrary, institutional racism demands extra efforts from the Government. For instance by regularly reviewing legislation, policies and decision-making by public authorities to ensure that the human dimension is sufficiently taken into account.⁵

The human rights situation in the Caribbean Netherlands

- As part of the Kingdom of the Netherlands, Aruba, Curacao and Sint-Maarten are part of this Universal Periodic Review. However, our mandate does not cover these countries and this statement will therefore only cover the islands Bonaire, St-Eustatius, and Saba.⁶ In spite of recommendations in the last UPR, little progress has been made to reduce the differences between the islands and the rest of the Netherlands.⁷ The level of poverty on the islands remains alarming. Several UN treaties like the CRPD or OPCAT have not yet been ratified and the Dutch equal treatment legislation does not apply there.⁸ They have been postponed by the Government repeatedly, citing governance challenges on the islands. The Dutch Government promised betterment, but this remains to be seen.⁹ The Institute asks delegates to join in our call to close the gap between the islands and the rest of the Netherlands.

The housing crisis

- There is a serious shortage of all types of housing. The shortage disproportionately impacts people who are in disadvantaged positions, especially young people and people with disabilities that need suitable housing. The lack of accommodation for refugees, asylum seekers and people who received a residence permit has even been declared a national crisis, as they need to sleep on the streets. The deliberate phasing out of government involvement with housing over the last decade has worsened the situation and is counter to the obligation to progressively realizing the human right to housing. The government should now use all appropriate means to prioritise housing for people in a disadvantaged position. Moreover, the government should make haste with a new law so that municipalities can be forced to accommodate asylum seekers, since many municipalities currently refuse to voluntarily cooperate.¹⁰

Aggression and intimidation aimed at journalists and media personalities

create and prolong racist stereotypes and behavior.

⁵ The Netherlands Institute for Human Rights, [Erkenning institutioneel racisme moet leiden tot structurele aanpak](#) [Recognition institutional racism must lead to a structural approach], May 2022.

The Netherlands Institute for Human Rights, [Brenge de menselijke maat in het werk van uitvoeringsorganisaties door uit te gaan van mensenrechten](#), [Bring the human dimension into the work of public authorities by starting with human rights], November 2020.

⁶ Government.nl, [What are the different parts of the Kingdom of the Netherlands?](#)

⁷ See for instance UPR-Recommendations 131.25 (Greece), 131.26 (Greece), 131.105 (Australia), 131.117 (Liechtenstein), 131,198 (Ireland), 131.200 (Kenya); 131.202 (Romania).

⁸ Netherlands Institute for Human Rights, [Brief aan de staatssecretaris van Digitalisering en Koninkrijksrelaties over Mensenrechten in het Koninkrijk](#) (Letter to the Secretary of State for Digitalization and Kingdom Affairs), March 2022.

⁹ Letter of the Secretary of State for Digitalization and Kingdom Affairs, [Mensenrechten in het Koninkrijk](#), (Human Rights in the Kingdom), March 2022.

¹⁰ Netherlands Institute for Human Rights, [Oproep aan de Staatssecretaris van Asiel & Migratie: Legitimeer geen discriminerend opvangbeleid van gemeenten](#), [Appeal to the Secretary of State for Asylum and Migration: Don't legitimize discriminating accommodation policies by municipalities], Juli 2022

- Journalists and others who contribute to the public debate are increasingly faced with aggression and intimidation in the Netherlands. The public news broadcaster NOS that has for instance removed their logo's from their vans to avoid aggression. The Netherlands has dropped twenty-two places in the Freedom of Press Index.¹¹ The institute calls upon the government to enhance the legal protection of journalists and media personalities, including by allowing to block access to their personal information in publicly accessible records, and by creating a new criminal offense for people who share personal data online for intimidation purposes.¹²

Please contact us if you have any other questions. We have made a list with our recommended recommendations for the Netherlands that I can share with you. We all hope to see you this afternoon at our extra information session with the NGOs present here today on the Dutch human rights situation.

Thank you for your attention.

¹¹ Reporters Without Borders, [Freedom of Press Index 2022](#)

¹² Netherlands Institute for Human Rights, [Jaarlijkse rapportage Mensenrechten in Nederland 2021: Een veilig publiek debat](#), [Annual report on Human Rights in the Netherlands 2021: A safe public debate], June 2022