

# 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

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Netherlands Institute for Human Rights (*College voor de Rechten van de Mens*)

W: [www.mensenrechten.nl](http://www.mensenrechten.nl)

E: [info@menserenrechten.nl](mailto:info@menserenrechten.nl) (general)

P: PO Box 16001, 3500 DA Utrecht, the Netherlands

T: +31 30 888 38 88

With this written submission, the Netherlands Institute for Human Rights (hereinafter: the Institute) provides the Universal Periodic Review (UPR) Working Group with information on the human rights situation in the Netherlands, which includes the European part of the Netherlands as well as the islands of Bonaire, St. Eustatius, and Saba. As part of the Kingdom of the Netherlands, the countries of Aruba, Curacao and Sint-Maarten are covered by this Universal Periodic Review. However, the mandate of the Institute, and hence this submission, does not cover these countries. Where appropriate, the Institute has referred to previous recommendations by the UPR Working group to the Netherlands. The submission also includes recommendations by the Institute that the working group may wish to consider.

The Institute cannot address all relevant human rights topics in this written submission. This does not necessarily imply that the Institute believes that there is no reason for the Working Group to consider them.

The Institute constitutes the National Human Rights Institution of the Netherlands and has been accredited with A-status since May 2014. The Institute protects, monitors, explains and promotes human rights in the Netherlands through research, advice, and awareness raising. Its mandate also covers urging the government to ratify, implement and observe human rights treaties. Furthermore, the Institute is the national independent monitoring body under article 33(2) of the Convention on the Rights of Persons with Disabilities (CRPD). The institute is also the national equal treatment body of the Netherlands; it can make (non-binding) decisions on complaints of discrimination.

1.

# 1 Implementation and Protection of Human Rights

## 1.1 Introduction

1.1.1 The Netherlands presents itself internationally as a strong proponent for human rights. This does not mean that the country does not face human rights challenges. A particularly marked example is the childcare benefits scandal (section 2), revealing structural inequality and discrimination issues entrenched in state law and policy. Also, violence against women is a sustained problem (section 3) and restrained housing policy has put the right to adequate housing under pressure (section 4).

## 1.2 Covid-19 in the Netherlands

1.2.1 The Covid-19 pandemic has had serious repercussions on the enjoyment of human rights. Government measures to limit the spread of the virus have impacted upon or limited many human rights, including freedom of assembly, movement and religion and the rights to education and work. The Institute appreciates the government's interventions to combat the pandemic, yet also finds that their need, proportionality and effectiveness were not always sufficiently demonstrated.<sup>1</sup>

1.2.2 The pandemic also exacerbated existing inequalities. The Institute found that the right of people with disabilities to independently participate in society were disproportionately affected.<sup>2</sup> Moreover, as their job security was already precarious, migrant workers, young people, 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. The Institute's 2020 annual report on the impact of the pandemic on the human right to work further expands on this subject (English summary available).<sup>3</sup>

### 1.2.3 Recommendations

*The State party should:*

- 1. ensure sufficient legal basis for government measures to combat covid-19 and future crises and demonstrate their need, proportionality and effectiveness;*
- 2. develop (recovery) policies and regulations to combat Covid-19 and future crises in accordance with existing human rights frameworks.*

### 1.3 Ratification of the optional protocols to the ICESCR, CRC and CRPD

- 1.3.1 Despite UPR-recommendations, the State party has not ratified the Optional Protocols to the ICESCR, CRC and the CRPD.<sup>4</sup> During the previous UPR the Netherlands stated that ‘a decision on ratification of OP-ICESCR will be taken by the next Dutch Government’, when the advice by the Council of State would be available.<sup>5</sup> In 2012 the government also announced that the ratification of the optional protocol would be discussed by the next government.<sup>6</sup> The latest government has ended its term in January 2022. The advice by the Council of State has been submitted to the government but has not been made public.
- 1.3.2 The Government maintains two main arguments for not ratifying the Optional Protocols. First, it wishes to assess the potential financial and legal consequences of ratifying the Protocols. Second, it awaits the outcome of the review of the UN Human Rights Treaty Body system.<sup>7</sup>
- 1.3.3 The Institute has repeatedly stressed that ratification of the optional protocols will not lead to new substantive obligations and therefore will not entail additional financial obligations. The legal consequences have already been assessed in a study assigned by the Government in 2014.<sup>8</sup> Moreover, the justiciability of economic, social and cultural rights lags behind in the Netherlands.<sup>9</sup> Ratification of the protocols will strengthen the implementation of the rights guaranteed in the respective treaties.

#### Recommendations

*The State party should:*

3. *ratify the optional protocols to the ICESCR, CRC and the CRPD without further delay;*
4. *fully incorporate social and economic rights in its domestic legal system and ensure the justiciability of these rights.*

## 1.4 Caribbean Netherlands

- 1.4.1 The disparity between human rights protection in the Caribbean Netherlands and the European part of the Kingdom remains a concern, as also highlighted by UPR-recommendations.<sup>10</sup> Progress is being made,<sup>11</sup> but several UN treaties have still not been ratified or fully implemented and the Dutch Equal Treatment Act is not in force on Bonaire, St. Eustatius, and Saba.<sup>12</sup> Recently, the government has promised to move to a 'comply-or-explain' approach, meaning that differences between the European and Caribbean part of the Netherlands need to be justified.<sup>13</sup> The Institute welcomes this change but reminds the government that institutional and governance challenges for the Caribbean islands cannot be a reason to postpone the realization of human rights. On the contrary, they should be an incentive to make progress to this end.<sup>14</sup>
- 1.4.2 The level of poverty on Bonaire, Saint Eustatius and Saba remains alarming. Livelihoods are under pressure due to high costs of living and low incomes. This particularly affects vulnerable groups such as the elderly and young adults.<sup>15</sup> The government has announced that it will take measures to make life more affordable.<sup>16</sup> The Institute notes that it does not have sufficient (financial) resources to fully execute its mandate for the Caribbean part of the Netherlands.<sup>17</sup>

### Recommendations

*The State party should:*

5. *ensure the full implementation of human rights treaties and the Equal Treatment Act on Bonaire, Saint Eustatius and Saba;*
6. *implement robust socio-economic policies for poverty alleviation for the Caribbean Netherlands;*
7. *ensure sufficient resources for the Institute to adequately perform its duties for the Caribbean Netherlands.*

## 2 Institutional racism

### 2.1 Introduction

2.1.1 Racial discrimination is a serious and persistent problem. The government has acknowledged the existence of institutional racism in the Netherlands<sup>18</sup> and it has taken a number of measures to address discrimination.<sup>19</sup> These include the establishment of a hotline for online discrimination (MiND), the financial strengthening of the municipal anti-discrimination services, the appointment of a national coordinator on anti-discrimination, and investigations into the use of race and nationality in algorithmic profiling by authorities. The government has also provided the Institute with funding to investigate institutional racism in executive agencies in response to the childcare benefits scandal. Nonetheless, there is a need to further strengthen efforts, including by evaluating and revising state institutions' laws, policies, and practices.

### 2.2 Profiling by executive authorities (“childcare benefits scandal”)

2.2.1 Over the course of two decades, as many as 26,000 parents were wrongly accused of having fraudulently claimed childcare allowances from the government.<sup>20</sup> They were ordered to repay child support benefits. An investigation by the Dutch Data Protection Authority concluded that some of the tax authority's methods to detect cases of fraud through automated risk profiling were unlawful and discriminatory. Applicants were singled out for special scrutiny on the basis of their (dual) nationality.<sup>21</sup> There was moreover a lack of transparency why these families were selected.

2.2.2 What became known as the “childcare benefits scandal” (*Toeslagenaffaire*) brought to light a fundamental problem of structural inequality and discrimination entrenched in state law, policy and institutions. Furthermore, legal avenues did not provide for protection of individuals' rights, nor uncovered and addressed the systemic nature of the issue. Even today there are significant delays in the financial compensation for victims of this scandal.<sup>22</sup>

2.2.3 Several recent reports raise similar concerns in other areas than childcare allowances, such as immigration or income taxes.<sup>23</sup> For instance, a report found dozens of examples where risk for fraud in relation to income taxes was based on personal characteristics, such as appearance and nationality.<sup>24</sup>

### Recommendations

*The State party should:*

8. *address the roots of institutional racism and review existing and future laws, policies, and practices on possible bias and discrimination;*
9. *monitor the effectiveness of recent measures taken to address racial discrimination and bias in law, policy, and practice;*
10. *guarantee strong safeguards and effective judicial oversight of decision-making by public authorities, including through (semi-)automated systems, to prevent bias and discrimination;*
11. *create new supervisory mechanisms against discrimination, e.g., a mechanism for collective complaints on racial profiling.*

## 2.3 Ethnic profiling by law enforcement

- 2.3.1 There is substantial evidence of racial profiling in the Netherlands during traffic control, identity checks, preventive searches and border stops.<sup>25</sup> The National Police made several reforms over the past years, as was also recommended in the last UPR.<sup>26</sup> Nevertheless, individuals still experience profiling.
- 2.3.2 The Royal Netherlands Marechaussee, tasked with border control, has allowed for the use of risk profiles that are (partly) based on ethnicity. In 2021, a district court ruled on the use of such risk profiles and concluded that the profiling does not *in itself* violate the prohibition of discrimination, provided that ethnicity is not the sole or decisive reason for selecting an individual for control and is reasonably and objectively justified.<sup>27</sup> The Institute is concerned that the court's decision created further uncertainty about the limits of legitimate profiling by law enforcement officials, as the use of race in risk profiles can only be justified in very exceptional circumstances. In practice, this high threshold of justification will rarely be met.

### Recommendations

*The State party should:*

12. *create legal certainty about profiling in line with human rights obligations, in both law and policy;*
13. *prevent unlawful ethnic profiling by law enforcement officials in practice, including by collecting disaggregated data on race and ethnicity and by monitoring the impact of reforms initiated.*

## 3 Violence against women

### 3.1 Introduction

3.1.1 Violence against women, including domestic violence, is highly prevalent in the Netherlands. In the past five years, 97.000 women were structurally affected by physical or sexual violence.<sup>28</sup> There is also a serious problem with femicide: 75% of women who are killed, are killed by a current or former partner or family member, which amounts to 40-45 women each year.<sup>29</sup> While the government has taken commendable steps, more needs to be done to guarantee women's right to be free from violence in line with UPR-recommendations.<sup>30</sup>

### 3.2 Domestic violence

- 3.2.1 In December 2021, the government formulated guidelines for a more gender-sensitive and intersectional approach to domestic violence and sexual harassment. The Institute welcomes this step, which is a response to recommendations by various human rights bodies.<sup>31</sup>
- 3.2.2 However, coordination between and within local and central government is needed to effectively combat domestic violence. At present, different forms of violence fall within the mandate of several ministries and different responsibilities (prevention, protection and prosecution) are divided among different ministries. Municipalities are responsible for support to victims of domestic violence.<sup>32</sup> Locally coordination can also improve, as victims who move from one municipality to another experience obstacles.

### 3.3 Sexual harassment

- 3.3.1 In January 2022, the TV-talent show 'The Voice of Holland' was suspended after several women contestants alleged sexual misconduct by some of the show's leading figures. This scandal was a catalyst for action: in February 2022, the government appointed a government commissioner on sexual misconduct and sexual violence.
- 3.3.2 Research commissioned by the Institute shows that 21% of women have experienced sexual harassment in the workplace in the last ten years, versus 10% of men. Cases of sexual harassment often go unreported and victims rarely file an official complaint. When a complaint is filed, organizations often fail to timely and effectively deal with it.<sup>33</sup>
- 3.3.3 The existing legal framework does not adequately address and prevent sexual harassment.<sup>34</sup> An integral, coordinated and gender-sensitive approach is needed with attention for underlying causes.<sup>35</sup> The appointment of a government commissioner is an important step, but more remains to be done.



3.3.4 The government should encourage employers to take more (concrete) measures to address sexual harassment in the workplace, for instance by making the presence of a confidential councilor mandatory for all organizations.<sup>36</sup> The government should rapidly pass the new proposed bill on sexual crimes, which covers a wider range of sexual misconduct and sexual violence. As such, it can lead to better protection for victims.

## **Recommendations**

*The State party should:*

- 14. implement the guidelines for a more gender-sensitive and intersectional approach to domestic violence and sexual harassment;*
- 15. intensify efforts to guarantee an effective and comprehensive policy to combat violence against women, including better coordination between and within local and central government;*
- 16. oblige companies to appoint a confidential councilor;*
- 17. prioritize passing the proposed bill on sexual crimes.*

## 4 Housing rights under pressure

### 4.1 Introduction

4.1.1 The right to adequate housing is under pressure in the Netherlands. There is a serious shortage of all types of housing, especially affordable housing. Two third of all municipalities do not provide sufficient social housing.<sup>37</sup> Moreover, municipalities and civil society organisations warn that homelessness is growing.<sup>38</sup> Early 2022, the new Dutch government has recognized that it needs to retake control on the fulfilment of the right to adequate housing after years of restrained housing policies.<sup>39</sup>

### 4.2 Discrimination

4.2.1 Discrimination on the (rental) housing market appears widespread. Research in Dutch cities provides substantial evidence for this problem.<sup>40</sup> In response, the Dutch government has proposed new legislation that provides municipalities with additional legal possibilities.<sup>41</sup> The Institute welcomes the new legislation, but it recommends that the responsibilities of the central government should be further defined in case municipal approaches are not effective.<sup>42</sup>

### 4.3 Evictions

4.3.1 The Institute is concerned about information it received about evictions leading to homelessness.<sup>43</sup> Migrant workers who lose their jobs, due to Covid-19 for example, frequently also lose their housing as their employer arranges it. The evictions implied by the demolition of 535 social housing homes in the Rotterdam are also of great concern. Five Special UN-Rapporteurs warned the government that these evictions may constitute an infringement of the right to adequate housing.<sup>44</sup> They noted that no alternative housing was available and tenants had not been consulted or assisted.<sup>45</sup> The Dutch government disputes these allegations. The Institute remains concerned about the disquieting circumstances of these evictions, also in the light of future projects that imply evictions.<sup>46</sup>

## Recommendations

*The State party should:*

- 18. use all appropriate means to guarantee the right to adequate housing and prioritise housing for individuals in a disadvantaged position;*
- 19. clearly define the obligations of the central government in the proposed legislation to combat discrimination on the housing market (wetsvoorstel goed verhuurderschap);*
- 20. ensure that tenants are not evicted without providing alternative housing and proper consultations;*
- 21. collect data on homelessness due to evictions.*

## 5 Law enforcement and deprivation of liberty

### 5.1 Revoking nationality as a counter-terrorism measure

- 5.1.1 Notwithstanding UPR-recommendations,<sup>47</sup> the government has taken steps to renew the law that authorizes the minister of Justice to revoke Dutch nationality, without prior judicial scrutiny, of any person who travels abroad to participate in a terrorist organization. This measure only targets Dutch citizens of foreign descent who hold multiple nationalities, as it may not lead to statelessness. The Institute has repeatedly expressed grave concerns about the discriminatory and stigmatizing nature of this measure, most notably citizens of Moroccan descent.<sup>48</sup>

#### Recommendation

*22. The State party should revoke the competency laid down in article 14(4) of the Dutch Nationality Act in order to comply with human rights obligations.<sup>49</sup>*

### 5.2 Use of force by the police

- 5.2.1 In July 2022, a new criminal offence is planned to be introduced; law enforcement officers can be prosecuted for violating the rules governing the use of force when leading to bodily harm or death.<sup>50</sup> Prosecution under other criminal provisions, such as assault, remains possible.
- 5.2.2 The rules governing the use of force for this new offence are not sufficiently clear.<sup>51</sup> For instance, the use of pepper spray is allowed when someone is likely armed or evades arrest, yet the circumstances for the arrest are not sufficiently defined.
- 5.2.3 The new offence may in practice become the new criminal law standard by which all police action is measured, replacing regular criminal law. The rules governing the use of force are not as clear as existing standards.

#### Recommendation

*23. The State party should amend the legal instruction for the use of violence by the police to clarify in which situations it is warranted.*

### 5.3 Solitary confinement and separation

- 5.3.1 The Health Care and Youth Inspectorate reported in 2020 that youth care facilities continue to use restraint measures and separation on a regular basis.<sup>52</sup> Registration is not mandatory and comprehensive data are not published regularly. Similarly, the inspectorate concluded in 2019 that most mental health institutions had failed to reduce the use of separation and isolation.<sup>53</sup>
- 5.3.2 Separation and isolation also take place in immigration detention centers and penitentiary institutions. In 2019 separation was used 4886 times as a measure to maintain order and 16413 times as a disciplinary sanction in detention.<sup>54</sup>

#### Recommendations

*The State party should:*

*24. reduce the use of separation and solitary confinement in all settings;*

25. ensure that restraints, separation and solitary confinement are only used as a measure of last resort, for the shortest possible time and when applied in care settings, under strict medical supervision.

#### 5.4 Immigration detention

5.4.1 The Institute is concerned about the continuing practice of routinely detaining asylum-seekers and undocumented migrants and about the duration of their detention. Immigration detention should be a measure of last resort. Contrary to UPR-recommendations, there are no indications that alternatives to detention have been considered.<sup>55</sup>

#### Recommendations

*The State party should:*

26. end systematic detention of asylum-seekers who arrive via air or sea by introducing an individual assessment to determine the need for detention;
27. ensure that immigration detention is used as a last resort and for the shortest possible time, without excessive restrictions;
28. create and implement alternatives to detention.

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<sup>1</sup> Netherlands Institute for Human Rights, [Noodzaak van 2g beleid en uitbreiding coronatoegangsbewijs onvoldoende aangetoond](#) (necessity for 2g-policy and expansion Covid-10 access pass not sufficiently demonstrated) 26 November 2021. Netherlands Institute for Human Rights, [Het College voor de Rechten van de Mens vraagt om betere onderbouwing en verduidelijk van de Tijdelijke wet testbewijzen](#) (Netherlands Institute for Human Rights requests better motivation and more clarity for Temporary law test certificates), 15 March 2021.

<sup>2</sup> Netherlands Institute for Human Rights, [Inzicht in inclusie III: Mensen met een beperking nog steeds op achterstand](#) (Insight in inclusion III: People with disabilities are still left behind), Februari 2022.

<sup>3</sup> Download the summary here: Netherlands Institute for Human Rights, [Annual Report Human Rights in the Netherlands 2020 - Consequences of the coronavirus pandemic for the labour market](#), July 2021

<sup>4</sup> UPR-Recommendations: 131.14 (Liechtenstein); 131.15 (Germany) (Ghana) (Estonia) (Belgium) (France) (Guatemala) (Philippines); 131.154 (Ireland); 131.16 (Andorra) (Italy); 131.19 (Belgium); 131.20 (France); 131.5 (Montenegro) (Bosnia and Herzegovina) (Ukraine) (Belgium) (France) (Philippines); 131.6 (Portugal); 131.7 (Angola); 131.8 (Syrian Arab Republic); 131.9 (Ghana) (Panama); 131.10 (Montenegro); 131.11 (Andorra); 131.12 (Bulgaria); 131.13 (Germany).

<sup>5</sup> [Addendum to the Report of the Working Group on the Universal Periodic Review Netherlands: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#), 14 September 2017, A/HRC/35/15/Add.1.

<sup>6</sup> [Report of the Working Group on the Universal Periodic Review: Netherlands](#), 9 July 2012, A/HRC/21/15, par 93

<sup>7</sup> Letter of the Minister for Foreign Affairs, [Mensenrechten in Nederland](#) (Human Rights in the Netherlands), 13 march 2019, Kst. 33826, nr. 27.

<sup>8</sup> A. Dibbets, A Buyse and A. Timmer 2014, [De juridische gevolgen van ratificatie door Nederland van het Facultatief Protocol bij het Internationaal Verdrag inzake economische, sociale en culturele rechten](#) (The legal consequences of the ratification by the Netherlands of the Optional Protocol tot he International Convention for Economic, Social and Cultural Rights), Netherlands Institute of Human Rights, Research report in assignment by the Ministry for Education, Culture and Science, February 2014.

<sup>9</sup> Also see UPR-Recommendation 131.35 (South Africa) and Committee on Economic, Social and Cultural Rights, [Concluding observations on the sixth periodic report of the Netherlands](#), 6 Juli 2017, E/C.12/NLD/CO/6, par. 5 and 6.

<sup>10</sup> UPR-Recommendations 131.25 (Greece), 131.26 (Greece), 131.105 (Australia), 131.117 (Liechtenstein), 131,198 (Ireland), 131.200 (Kenya); 131.202 (Romania).

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<sup>11</sup> For example, the Dutch government has announced its goal by 2025 to implement the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention).

<sup>12</sup> For example the Convention on the Rights of Persons with Disabilities (CRPD) and the Optional Protocol to the Convention Against Torture (OPCAT). For a full overview of the international human rights obligations that are (not) in force in the Caribbean Netherlands, see the report of the Advisory Council on International Affairs, [Fundamentele rechten in het Koninkrijk: eenheid in bescherming](#) (Fundamental Rights in the Kingdom: unity in protection), June, 2014, Annex I.

<sup>13</sup> Letter of the Secretary of State for Digitalization and Kingdom Affairs, [Mensenrechten in het Koninkrijk](#) (Human Rights in the Kingdom), 22 March 2022. [Addendum to the Report of the Working Group on the Universal Periodic Review Netherlands: Views on conclusions and/or recommendations, voluntary commitments and replies presented by the State under review](#), 14 September 2017, A/HRC/35/15/Add.1.

<sup>14</sup> 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), 18 March 2022.

<sup>15</sup> Available in English: National Ombudsman, [Focus on the elderly in the Caribbean Netherlands](#), September 2019. Nationale ombudsman, [A poor beginning: A study examining poverty-related problems among young adults in the Caribbean Netherlands](#), September 2020.

<sup>16</sup> Available in English: [2021-2025 Coalition agreement, Looking after each other, and towards the future](#), December 2021, ch. 1.

<sup>17</sup> Netherlands Institute for Human Rights, [Vijf jaar College voor de Rechten van de Mens](#) (Five years Netherlands Institute for Human Rights), December 2017, p. 14.

<sup>18</sup> This ‘institutional racism’ pertains to direct and indirect discrimination, both openly and hidden, in laws, policy, procedures and social structures, traditions and other behavioural mechanisms that create and prolong racist stereotypes and behaviour.

<sup>19</sup> 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).

<sup>20</sup> Available in English: The Parliamentary Inquiry Committee on Childcare Allowance, [Unprecedented Injustice](#), 17 December 2020.

<sup>21</sup> Data Protection Authority, [Belastingdienst/Toeslagen. De verwerking van de nationaliteit van aanvragers van kinderopvangtoeslag](#) (Dutch Tax and Custom Administration / Benefits. Processing the nationality of childcare benefit applicants), July 2020. It must be said that the Data Protection Authority, although it found proof of discriminatory practices concerning the registration and processing of nationality data, it did not establish that the orders to repay child support benefits were the result of discriminatory decisions by the Dutch Tax and Custom Administration.

<sup>22</sup> E.g., National ombudsman, [Klacht ongegrond, maar geen oplossing](#), 2<sup>de</sup> Rapportage monitor klachtbehandeling Uitvoeringsorganisaties Herstel Toeslagen, maar t/m juli 2021 (Complaint admissible, but no solution, 2nd monitoring report on the handling of complaints by the “Executive authorities reparation allowances), October 2021.

<sup>23</sup> As regards immigration law, comparable problems have been raised such as rigid legislation without hardship clauses, institutionalised distrust of a vulnerable group, decisions by executive authorities which pay little heed of the human dimension in combination with very limited scrutiny by courts of those decisions. K. Geertsema et. al., [Ongezien onrecht in het vreemdelingenrecht](#) [Unseen injustice in immigration law], *NJB* 2021, 14, p. 979. In respect to the rights of migrants, see for instance recommendations 131.162 (Paraguay), 131.183 (China).

<sup>24</sup> PWC, [Onderzoek effecten FSV Particulieren](#) [Research into Effects of the Private Entities’ Fraud Alert Facility (FSV)], December 2021.

<sup>25</sup> As also indicated by the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance in the Conclusion of her [End of Mission Statement of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance at the Conclusion of her mission to the Kingdom of the Netherlands](#), The Hague: 7 October 2019, par. 26.

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<sup>26</sup> See for instance recommendation 131.94 (Belgium) and supported recommendation 131.93

(Namibia).

<sup>27</sup> The Royal Netherlands Marechaussee announced that it will stop using ethnicity as a factor for selection decisions, even though the decision is now subject to appeal.

<sup>28</sup> Summary available in English: Scientific Research and Documentation Centre, [The Prevalence of domestic violence and child maltreatment in the Netherlands](#), 2019.

<sup>29</sup> Netherlands Institute for Human Rights, [Meer dan 40 vrouwen per jaar gedood door \(ex-\) partner](#) (More than 40 women killed annually by (ex-) partner), 8 December 2020.

<sup>30</sup> See recommendations 131.115 (Bolivarian Republic of Venezuela), 131.116 (Israel) and supported recommendations 131.142 (Philippines) and 131.148 (Paraguay).

<sup>31</sup> See, for instance, Group of Experts on Action against Violence against Women and Domestic Violence, [Baseline Evaluation Report: the Netherlands](#), GREVIO/Inf(2019)19, January 2020 and UN Committee on the Elimination of Discrimination against Women (CEDAW), [Concluding observations on the sixth periodic report of the Netherlands](#), CEDAW/C/NLD/CO/6, November 2016, par 24.

<sup>32</sup> For instance shelter and support services.

<sup>33</sup> Netherlands Institute for Human Rights, [Seksuele intimidatie op de Werkvloer: een onderzoek onder werknemers en werkgevers naar meldingen en schriftelijke klachten](#) (*Sexual Harassment in the Workplace: research amongst employees and employers into reports and written complaints*), June 2021, p. 12, 20, 27, 52.

<sup>34</sup> In the Netherlands, various laws apply to sexual harassment in the workplace, including criminal law provisions, the Working Conditions Act and the Equal Treatment Act.

<sup>35</sup> Netherlands Institute for Human Rights, [Letter to the Ministers of Social Affairs and Employment, Internal Affairs and Kingdom Relations, Education, Culture and Science, Justice and Security and the Secretary of State of Culture and Media on the topic of sexual harassment](#), 31 January 2022.

<sup>36</sup> Netherlands Institute for Human Rights, [Bewindspersonen moeten meer doen om seksuele intimidatie te voorkomen en aan te pakken](#) (Government officials must do more to prevent and tackle sexual harassment), 1 February 2022.

<sup>37</sup> H. Obbink, [Meer dan de helft van de gemeenten heft te weinig sociale huurwoningen](#) (More than half of the municipalities does not provide enough social housing), Trouw, 26 March 2020.

<sup>38</sup> Even though official (pre-covid-19) statistics on homelessness show a stabilization, yet the validity of this data can be questioned. Valente and the Organisation of Municipalities, [Letter to parliament: call for impulse to social shelters](#), 29 september 2021.

<sup>39</sup> Letter of the Minister for Housing and Spatial Planning, [General policy concerning housing and spatial planning](#), 14 february 2022.

<sup>40</sup> See, for example, RIGO, [Discriminatie op de Haagse woningmarkt](#) (Discrimination on the housing market in the Hague, February 2021, and RIGO, [Discriminatie op de Amsterdamse woningmarkt](#) (Discrimination on the housing market in Amsterdam), January 2020.

<sup>41</sup> Letter of the Minister of the Interior and Kingdom Relations, [Actionplan to boost proper landlordship](#), 9 November 2018.

<sup>42</sup> College voor de Rechten van de Mens, [Advies Voorstel van wet inzake de bevoegdheid van de gemeente om regels te stellen inzake het bevorderen van goed verhuurderschap en het voorkomen en tegengaan van ongewenste verhuurpraktijken](#) (Advice concerning the legislative proposal to expand the mandate of municipalities to boost proper landlordship), August 2021.

<sup>43</sup> Evictions should, moreover, 'not result in rendering individuals homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State party must take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, resettlement or access to productive land, as the case may be, is available' UN Committee on Economic, Social and Cultural Rights, General comment No. 7: The right to adequate housing (art. 11(1) of the Covenant): Forced Evictions, par. 4, 17.

<sup>44</sup> [Joint Urgent Communication of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the right to development; the Special Rapporteur on the human rights of migrants; the Special Rapporteur on minority issues and Special Rapporteur on extreme poverty and human rights](#), AL NLD 3/2021, 19 April 2021.

<sup>45</sup> [Joint Urgent Communication of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context; the Special Rapporteur on the right to development; the Special Rapporteur on the human rights of](#)

[migrants; the Special Rapporteur on minority issues and Special Rapporteur on extreme poverty and human rights](#), AL NLD 3/2021, 19 April 2021.

<sup>46</sup> Permanent Representation of the Kingdom of the Netherlands to the United Nations Office and other International Organization in Geneva, [Response to UN Joint Communication from the Special Procedures of 19 April 2021](#), GEV-PA-120/2021, 18 June 2021.

<sup>47</sup> See recommendations 131.113 (Canada), 131.114 (Malaysia).

<sup>48</sup> See, inter alia, the Netherlands Institute for Human Rights, [Intrekken nationaliteit uitreiziger op gespannen voet met gelijke behandeling](#) (withdrawal nationality of people going abroad at odds with equal treatment), 23 juli 2021.

<sup>49</sup> Most notably the obligations flowing from the Convention on the Elimination of All Forms of Racial Discrimination (CERD).

<sup>50</sup> Wetsvoorstel geweldsaanwending opsporingsambtenaar (Legislative proposal on the use of force by law enforcement) Kst. 34641.

<sup>51</sup> [Ambtsinstructie voor de politie, de Koninklijke marechaussee en andere opsporingsambtenaren](#) (Official instruction for the Police, the Royal Marechaussee and other law enforcement officials)

<sup>52</sup> Health Care and Youth Inspectorate, [Aandacht en ambities leiden tot terugdringen van vrijheidsbeperkende maatregelen](#) (*Attention and ambition lead to reduction of restraint measures*), June 2020.

<sup>53</sup> In this regard, also see Recommendation 131.171 (Poland). Health Care and Youth Inspectorate, [Toezicht terugdringen separeren en afzonderen in de GGZ 2016-2019](#) (Monitoring the reduction of separation and isolation in healthcare 2016-2019), December 2019.

<sup>54</sup> Available in English: RSJ, [Summary advisory report on the use of disciplinary punishments and separation in detention](#), January 2022. English summary available at

<sup>55</sup> See supported recommendation 131.188 (Uruguay). Also see recommendations 131.186 (Guatemala), 131.187 (Kenya) and 131.190 (Brazil).