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人权理事会
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议程项目 6
普遍定期审议

普遍定期审议工作组的报告*

荷兰

增编

受审议国对结论和/或建议提出的意见、作出的自愿承诺和答复

* 本文件在送交联合国翻译部门之前未经编辑。

荷兰王国的回应¹

98.1.²

不接受。³

98.2.⁴

见 98.1。

98.3.⁵

关于《保护所有移徙工人及其家庭成员权利国际公约》，见 98.1。关于《残疾人权利公约》，荷兰接受这项建议。⁶

98.4.⁷

关于《保护所有移徙工人及其家庭成员权利国际公约》，见 98.1。关于《劳工组织第 189 号公约》，政府正在研究批准该公约可能对现行法律产生的影响。

98.5.⁸

关于《残疾人权利公约》，见 98.3。关于《残疾人权利公约任择议定书》，荷兰将在就批准《残疾人权利公约》作出决定后，考虑加入该议定书；因此现阶段讨论批准《残疾人权利公约任择议定书》的问题为时过早。

98.6.⁹

见 98.3 和 98.5。

98.7.¹⁰

见 98.5。

98.8.¹¹

见 98.5。

98.9.¹²

关于批准《残疾人权利公约》及其任择议定书，见 98.3 和 98.5。关于《经济、社会、文化权利国际公约任择议定书》，荷兰政府正在研究批准该公约可能对现行法律产生的影响。

98.10.¹³

见 98.3 和 98.5。

98.11.¹⁴

见 98.3。

98.12.¹⁵

不接受。提出这些保留的原因仍然适用。

98.13.¹⁶

见 98.12。

98.14.¹⁷

见 98.12。

98.15.¹⁸

见 98.9。

98.16.¹⁹

接受。正在审查批准问题。²⁰

98.17.²¹

接受。²²

98.18.²³

荷兰几年前就明令禁止了对子女实施暴力²⁴。在阿鲁巴，法律禁止学校实施体罚，预计 2012 年将延伸到禁止家长实施体罚。在库拉索，修订了《民法典》，将家长的角色定义为照料者和教育者，禁止他们在抚养子女的过程中实施感情或肢体暴力，或任何形式有辱人格的待遇。在圣马丁，2011 年通过的《关于抚养权的国家法令》也对《民法典》做了同样的修订。

98.19.²⁵

荷兰政府正在研究与《欧洲移徙工人法律地位公约》有关的本国法律和做法。

98.20.²⁶

2008 年废除了判处儿童终身监禁(从未实行)的法律规定。

98.21.²⁷

接受。²⁸

98.22.²⁹

接受。见 98.21。

98.23.³⁰

接受。见 98.21。

98.24.³¹

接受。见 98.21。³²

98.25.³³

接受。³⁴

98.26.³⁵

接受。³⁶

98.27.³⁷

接受。³⁸

98.28.³⁹

见 98.27。

98.29.⁴⁰

见 98.27。

98.30.⁴¹

见 98.27。

98.31.⁴²

接受。

98.32.⁴³

接受。

98.33.⁴⁴

不接受。我们选择通过一种关注人权且尊重自由的自下而上的方式，立足当前形势，以务实的方式执行联合国《世界人权教育方案》。实际上，我们正在执行该教育方案。

98.34.⁴⁵

由四个国家组成的荷兰王国是六项主要国际人权条约的缔约国。这四个国家的宪法和国内法律涵盖了这些条约的大多数条款。

98.35.⁴⁶

接受。

98.36.⁴⁷

建议与现行政策一致。已有基于歧视的违法犯罪行为的综合数据。⁴⁸

98.37.⁴⁹

荷兰已向所有特别报告员发出长期邀请。

98.38.⁵⁰

法律保护荷兰人人不受歧视。遇到违法情况，可诉诸司法。此外，还实施了防止歧视的积极政策。⁵¹

98.39.⁵²

接受。见 98.38。

98.40.⁵³

接受。见 98.38。

98.41.⁵⁴

见 98.38。

98.42.⁵⁵

关于监测种族主义行为，见 98.36 和国家报告第七章 A 节。关于调查、起诉和惩处煽动和作出仇恨、不容忍、种族主义和仇外心理的行为，见 98.38 和国家报告第七章 A 节。

98.43.⁵⁶

荷兰法律禁止歧视。荷兰没有歧视性法律。见国家报告第七章 A 节。

98.44.⁵⁷

接受。⁵⁸

98.45.⁵⁹

接受打击网上歧视的建议。打击网上仇恨言论是我们消除歧视和种族主义政策的一部分。见 98.38。⁶⁰ 关于政党的种族主义言论，见国家报告第七章 A 节第 50 段和第八章第 120 段。

98.46.⁶¹

接受。⁶²

98.47.⁶³

见 98.38 和国家报告第七章 A 节。

98.48.⁶⁴

见 98.38 和国家报告第七章 A 节。

98.49.⁶⁵

接受。见 98.38 和国家报告第七章 A 节。

98.50.⁶⁶

见 98.38 和国家报告第七章 A 节。

98.51.⁶⁷

见 98.38 和国家报告第七章 A 节第 42 段。

98.52.⁶⁸

不接受。阿姆斯特丹地区法院起诉了 Wilders 先生，指控他煽动仇恨和侮辱了一个团体。地区法院深入研究指控后，宣告他无罪(阿姆斯特丹地区法院 2011 年 6 月 23 日的判决)。法院判定，作为一名政治人物和议员，Wilders 先生享有一定的言论自由。公诉人和 Wilders 先生都决定不就此判决提出上诉。刑事程序因此结束。此外，荷兰最高法院总检察长判定，就此案向最高法院提出特别上诉(这对案件实质没有任何影响)缺乏法律依据。

98.53.⁶⁹

见 98.38 和国家报告第七章 A 节。

98.54.⁷⁰

见 98.36 和国家报告第七章 A 节。

98.55.⁷¹

接受。见 98.38。

98.56.⁷²

接受。⁷³

98.57.⁷⁴

荷兰政府原则上拒绝将族裔特征剖析用于刑事调查。⁷⁵

98.58.⁷⁶

接受。见 98.38 和国家报告第七章 A 节第 42 段。

98.59.⁷⁷

接受。见 98.38 和国家报告第七章 A 节第 42 段。

98.60.⁷⁸

见 98.38。

98.61.⁷⁹

见 98.38 和 98.45。

98.62.⁸⁰

见 98.38 和国家报告第七章 C 节和第八章。⁸¹

98.63.⁸²

见 98.45 和国家报告第七章 A 节第 50 段⁸³。

98.64.⁸⁴

荷兰不论出身、宗教或信仰，确保教育、就业和健康等领域的常规服务满足所有人的需要。移民要想切实行使其权利，必须投资于未来，并掌握荷兰语。见 98.38 和国家报告第七章 C 节。

98.65.⁸⁵

接受。见 98.38。

98.66.⁸⁶

政党必须尊重法律，法律规定种族主义言论为犯罪行为。荷兰王国没有任何出于预防或防范目的，对政党及其理念或公开言论进行监测的规定。见 98.45 和 98.63。

98.67.⁸⁷

接受。见 98.38 和国家报告第七章。

98.68.⁸⁸

接受。正在评估《城市反歧视法》。

98.69.⁸⁹

见 98.38 和国家报告第七章 A 节第 42 段。

98.70.⁹⁰

接受。见 98.38、98.45 和国家报告第七章 A 节。

98.71.⁹¹

荷兰积极推动执行暴力侵害妇女行为问题特别报告员的建议。⁹²

98.72.⁹³

关于暴力侵害妇女问题，见 98.71。荷兰面临贫困和社会排斥的人口较少。政府计划利用现有措施和工具，通过减少失业家庭数目，使更多人融入社会。

98.73.⁹⁴

荷兰监狱条件令人满意。不存在人满为患的现象。每个拘留所都有一个独立的监督委员会，囚犯可向其投诉虐待行为。根据《监禁机构法》，囚犯有权从事监禁机构中的工作⁹⁵。确保为囚犯提供工作是监狱长的工作之一。已定罪者必须参加工作，荷兰政府认为此举是在为囚犯安排正常的生活，并为其刑满后成功融入社会做准备。1998 年《工作条件法》和《工作条件法令》规定了荷兰所有工作场所的条件，二者也适用于狱中的工作。此外，《工作条件法令》还为监禁机构做出了特殊规定。允许囚犯以工作条件恶劣为由拒绝工作。

98.74.⁹⁶

接受。⁹⁷

98.75.⁹⁸

见 98.18。

98.76.⁹⁹

接受。

98.77.¹⁰⁰

荷兰制定了打击性侵犯儿童的最新法律。¹⁰¹ 荷兰还有广泛的管辖权，有利于起诉海外的儿童色情旅游业。2012 年，调查儿童色情案件的工作人员总数将从 75 人增加到 150 人。除 10 个区域股外，一个拥有约 40 名侦探的国家股已开始工作。一名专门的公诉人在总体上负责这些调查和起诉。每年起诉 380 至 480 件儿童色情案件；目标是今后几年起诉的案件数目增加 25%。作为 2012-2016 年打击侵害儿童行动计划的一部分，将采取打击儿童色情和防止性侵犯儿童的新措施。¹⁰²

98.78.¹⁰³

正在采取各项措施，使公务员、社会工作者和其他关键行为方发现儿童遭到性剥削的蛛丝马迹，并正在就有效打击该现象提供培训。予以性剥削的儿童受害者最大的关爱。在体恤儿童的环境下，由具备专门证书的侦探收集证词。向人口贩运受害者取得证词的执法人员也需具备专门资质。检察院关于人口贩运的指导方针规定，公诉人有权反对让未成年受害者出庭受审。

98.79.¹⁰⁴

不接受。见 98.71 和国家报告第九章。

98.80.¹⁰⁵

接受。将打击人口贩运列为最优先事项。¹⁰⁶

98.81.¹⁰⁷

荷兰政府不遗余力地打击贩运人口，尤其是贩运未成年人的行为。见 98.80 和国家报告第十章第 101、102 和 103 段。

98.82.¹⁰⁸

接受。¹⁰⁹

98.83.¹¹⁰

接受。¹¹¹

98.84.¹¹²

接受。剥夺未成年人自由有替代措施，例如软禁。¹¹³

98.85.¹¹⁴

撤销了提高法庭费用的法案。

98.86.¹¹⁵

荷兰法律符合人权标准。颁布新法律时，也符合这些标准。另见(例如)98.45 和国家报告第十三章第 120 段。

98.87.¹¹⁶

见 98.45。

98.88.¹¹⁷

接受。见 98.38 和国家报告第十三章。

98.89.¹¹⁸

接受。¹¹⁹

98.90.¹²⁰

见 98.38 和国家报告第七章。

98.91.¹²¹

荷兰颁布了要求雇主采取措施保护员工的法律条款。荷兰认为不需要采取额外措施。

98.92.¹²²

接受。¹²³

98.93.¹²⁴

男女工资之间的微小差距很难解释清楚。这种差距主要是由于妇女大多从事兼职工作。收入差距显示了男女在劳动力市场上的不同地位。年轻一代中(23岁至35岁)几乎没有收入差距。预期今后几年这种差距将会消失。

98.94.¹²⁵

见98.93。要想改变妇女在劳动力场中的地位，荷兰需要改变其文化。2008年至2010年，兼职工作升级工作小组发起了关于如何增加妇女工作时间的辩论。工作小组拟定了关于增加兼职工作中工时的建议。雇员和雇主需讨论如何更好地协调工作与私生活。

98.95.¹²⁶

见98.93、98.94和国家报告第七章C节。

98.96.¹²⁷

建议与现行政策一致。¹²⁸

98.97.¹²⁹

建议与现行政策一致。¹³⁰

98.98.¹³¹

建议已落实。¹³²

98.99.¹³³

建议已落实。所有学龄儿童，无论有无合法身份，均接受义务教育。见98.98¹³⁴。

98.100.¹³⁵

见国家报告第七章C节和第八章。

98.101.¹³⁶

不接受。荷兰将荷兰语教育列为优先事项。见国家报告第八章。

98.102.¹³⁷

接受。见98.3。

98.103.¹³⁸

接受。见98.38和国家报告第七章。

98.104.¹³⁹

接受。¹⁴⁰

98.105.¹⁴¹

移民和归化局评估外国人的庇护申请。该程序符合国际标准。申请如被驳回，申请人有机会提出抗议，并要求司法复审。

98.106.¹⁴²

不接受。根据荷兰政策，可以公共政策或国家安全为由，拘留被拒的寻求庇护者和无文件的外国人，以便安排他们遣返。也可拘留被拒绝入境者。拘留只能作为迫不得已的手段，且拘留时间不得超过安排相关人员遣返必需的时间。荷兰拘留无证件外国人的最长时间为六个月，特殊情况可根据欧盟遣返指令，延长至18个月。¹⁴³

98.107.¹⁴⁴

见 98.104。

98.108.¹⁴⁵

接受。自 2012 年 1 月起，政策中已纳入替代拘留外国人的措施。¹⁴⁶

98.109.¹⁴⁷

见 98.100。

98.110.¹⁴⁸

见 98.100。

98.111.¹⁴⁹

见 98.38。

98.112.¹⁵⁰

非正常居留在荷兰不属于刑事犯罪。不过，非法居留者必须离开。如果不自愿离开，在不得已的情况下，将拘留他们并强迫他们离开。政策中已纳入替代拘留的措施。见 98.108。

98.113.¹⁵¹

见 98.108 和 98.112。荷兰实施了避免拘留有未成年人的家庭的政策。安排遣返期间如需较长时间监督这类家庭，可将他们安置在限制行动自由的中心。

98.114.¹⁵²

接受。¹⁵³

98.115.¹⁵⁴

荷兰最近制定并向议会提交了改进和加快荷兰庇护程序的新计划：该程序必须尽早向寻求庇护者提供明确信息。还为处于弱势地位的未成年人制定了类似计

划，以便尽早向他们提供明确的前景。对于无权寻求庇护的儿童，当务之急是帮助其与原籍国内的家人团聚。在这方面，欧洲内部的合作至关重要。

98.116.¹⁵⁵

不接受。荷兰的寻求庇护程序和接收中心接受民间社会的监督。在寻求庇护程序中，荷兰难民委员会负责向寻求庇护者提供程序方面的信息。经寻求庇护者允许，委员会可出席面谈。荷兰难民委员会在接收中心为寻求庇护者提供帮助，并就可能出现的任何问题向他们提供咨询。其他非政府组织(例如专门从事未成年寻求庇护者工作的非政府组织)定期到接收中心视察。

98.117.¹⁵⁶

见 98.115。荷兰的外国人政策和做法考虑了未成年人，特别是无人陪伴的未成年的弱势地位。政策和实践均考虑了儿童的最大利益。采取了符合儿童利益的具体措施。例如，有经过特殊训练的人员对儿童进行访谈，在专门的儿童友好型房间对幼儿进行访谈，针对儿童兵和女性外阴残割情况，有专门的庇护政策。鉴于长期拖延和不确定是不可取的，荷兰一贯重视迅速做出决定。

98.118.¹⁵⁷

不接受。见国家报告第十一章。

98.119.¹⁵⁸

不接受。众所周知，荷兰不赞成具有法律约束力的发展权文书。创造扶持型环境的责任不能以具有约束力的义务来表述。此外，具有法律约束力的文书不是将发展权从政治承诺转变为发展实践的适当方式。荷兰高度赞赏高级别工作组开展的工作。我们认为这些工作为进一步努力落实发展权奠定了基础。

注

¹ All responses to the recommendations are made by the Netherlands, with the exception of the recommendations 98.12, 98.17, 98.18, 98.26, 98.27, 98.32, 98.34 and 98.96 which have been responded to by the Kingdom of the Netherlands (The Netherlands, Aruba, Curaçao and Sint Maarten).

² Ratify the ICRMW (Algeria, Egypt, Islamic Republic of Iran).

³ See for more information the national report under 6.

⁴ Consider ratifying the ICRMW (Mexico).

⁵ Study the possibility of ratifying the ICRMW and continue with its efforts to achieve the ratification of the CRPD (Argentina).

⁶ A decision on ratifying the CRPD, which has already been signed by the Kingdom of the Netherlands, is currently in preparation. Given the broad scope of the instrument and its potential impact on many pieces of legislation, this requires major involvement by multiple government ministries and hence is taking considerable time. A decision on ratification is not expected before the upcoming parliamentary elections on 12 September 2012.

⁷ Consider ratifying the ICRMW as well as the International Labour Organization (ILO) Convention 189 (Belarus).

⁸ Proceed swiftly with the ratification of the CRPD and its Optional Protocol (Estonia).

- ⁹ Ratify the CRPD and its Optional Protocol (France, Australia).
- ¹⁰ Consider ratifying the OP-CRPD (Morocco).
- ¹¹ Ratify the OP-CRPD (Islamic Republic of Iran).
- ¹² Ratify the CRPD and its Optional Protocol, as well as the Optional Protocol to the Convention of Economic, Social and Cultural Rights (OP-CESCR) (Spain).
- ¹³ Adopt the necessary measures with a view to ratifying the CRPD and its Optional Protocol (Chile).
- ¹⁴ Study the possibility of ratifying the CRPD (Costa Rica).
- ¹⁵ Withdraw its reservations to the Convention on the Rights of Children (CRC) (Islamic Republic of Iran).
- ¹⁶ Reconsider the possibility of lifting reservations to the CRC (Russian Federation).
- ¹⁷ Lift its reservations to articles 26 c, 37 and 40 of the CRC (Uzbekistan).
- ¹⁸ Ratify the OP-ICESCR (Slovakia).
- ¹⁹ Consider an early ratification of the third Optional Protocol to the CRC on a communication procedure Slovakia.
- ²⁰ Decisions to sign and/or ratify are not expected before the upcoming parliamentary elections on 12 September 2012.
- ²¹ Approve, in all countries that form the Kingdom, legislation that criminalizes all forms of trafficking in persons (Nicaragua).
- ²² All forms of human trafficking are criminal offences in the European part of the Netherlands (article 273f of the Criminal Code) as well as in the Caribbean part of the Netherlands (the islands of Bonaire, St Eustatius and Saba) (article 286f of the Criminal Code for Bonaire, St Eustatius and Saba). In Aruba, all forms of human trafficking are criminal offences (article 286a of the Aruban Penal Code). In Curaçao, the new Criminal Code also criminalises trafficking in persons as a separate offence. In Sint Maarten, human trafficking is prohibited and extensively penalized in the new criminal code.
- ²³ Prohibit corporal punishment in all settings throughout the Kingdom of the Netherlands (Slovenia).
- ²⁴ See article 1:247, paragraphs 1 and 2 of the Dutch Civil Code and articles 300-304 of the Criminal Code.
- ²⁵ Undertake necessary steps in order to harmonize the Dutch law and practice with the European Convention on the Legal Status of Migrant Workers (Turkey).
- ²⁶ Abolish in its criminal legislation the use of life imprisonment to children (Belarus).
- ²⁷ Ensure effectiveness, proper functioning and independence of its national human rights institution (Egypt).
- ²⁸ The institute will open its doors in October 2012. See for more information the national report under 4.
- ²⁹ Accelerate the full operationalization of the National Institute for Human Rights in the near future (Indonesia).
- ³⁰ Expedite the establishment and operationalization of the national Institute for Human Rights which fully complies with the Paris Principles (Malaysia).
- ³¹ Make full use in practice of the new Institute for Human Rights to promote a coherent approach to human rights issues across the spectrum of different policy areas and human rights situations (Norway).
- ³² See the national report under IV.
- ³³ Work with all sectors including the education sector, to ensure the National Human Rights Institute effectively supports the country's commitment to human rights (Australia).
- ³⁴ See the national report under IV.
- ³⁵ Continue to assist, when requested, Aruba, Curaçao and St. Maarten to develop human rights institutions, laws and policies (Australia).

- ³⁶ As democratic states governed by the rule of law, the countries of the Kingdom attach great importance to internationally recognised fundamental rights. The countries Aruba, Curaçao and St Maarten are however responsible for establishing their own human rights institutes. This does not preclude technical or other assistance upon request from the Netherlands if and when necessary. Aruba seeks to create a similar institution on the island to guarantee information and education on, and protection of, human rights in the Aruban community, in cooperation with Curaçao and the Netherlands.
- ³⁷ Formulate a national human rights action plan (Philippines).
- ³⁸ The Netherlands will evaluate the usefulness and added value of developing a national human rights action plan as part of establishing a working relationship with the Dutch National Institute on Human Rights. The government of Curaçao also supports this recommendation. It has for instance decided to establish a national human rights institute in accordance with the Paris Principles, which can be seen as an important step in this direction. The government of Aruba also supports this recommendation. A national human rights action plan will be developed by the Aruban Human Rights Committee.
- ³⁹ Develop a national human rights action plan (Uzbekistan).
- ⁴⁰ Evaluate the possibility to develop a national human rights action plan (Argentina).
- ⁴¹ Draft a national human rights plan which includes public policies and strategies reaching a comprehensive range of human rights (Brazil).
- ⁴² Keep the Human Rights Council informed about the follow-up to the “Talent to the Top” charter and inform it of the results obtained by signatories (Morocco).
- ⁴³ Continue efforts aimed at promoting and protecting human rights on the ground (Qatar).
- ⁴⁴ Adopt a national Action Plan on Human Rights Education (Slovenia).
- ⁴⁵ Apply homogenous human rights standards in the different territories that form the Kingdom of the Netherlands, especially in the Antilles as recommended by CESCR in 2010 (Spain).
- ⁴⁶ Strengthen its policies and measures for guaranteeing all socio-economic and cultural rights, and ensure those policies not to impede the full enjoyment these rights in the context of global and regional financial crisis (Vietnam).
- ⁴⁷ Develop a system of recording official statistical data on the most widespread crimes and offences committed on the basis of discrimination taking into account the legal obligations of the Netherlands in registering such crimes (Uzbekistan).
- ⁴⁸ Over the next year, all statistics on discrimination and racist offences will be recorded and presented in a uniform manner, in order to improve the assessment of trends and the results of government policy. See National Report VII. A. 43.
- ⁴⁹ Confirm in deed the status of standing invitation to the Special Procedures, in particular by inviting the Special Rapporteurs on the rights of migrant workers, on trafficking in persons, particularly women and children, as well as on the sale of children (Belarus).
- ⁵⁰ Take effective legal and practical measures to eliminate all forms of discrimination and violence against women and children, particularly women and children belonging to ethnic and religious minorities, including Muslims who still face multiple forms of discrimination with respect to education, health, employment and social and political participation (Islamic republic of Iran).
- ⁵¹ See National Report VII. A. and B. In addition see the National Report under VII. The Netherlands does not develop specific policies targeting specific types of discrimination. The Dutch infrastructure to combat discrimination, including bodies like the antidiscrimination services and the Equal Treatment Commission, is accessible to everyone and equipped to deal with discrimination on any grounds.
- ⁵² Ensure that existing statutes prohibiting gender discrimination are properly implemented and enforced, and increase through effective implementation and enforcement efforts to address violence against women and children (United States of America).
- ⁵³ Devise more specific measures to eliminate discrimination against women, ethnic minorities, migrants, Muslim and people of African origin (Thailand).
- ⁵⁴ Strengthen its actions against on all forms of discrimination and effectively protect the rights of women, children and immigrants (China).
- ⁵⁵ Establish mechanisms to monitor, investigate, prosecute and punish incitement to and acts of hatred, intolerance, racism and xenophobia (Egypt).

- ⁵⁶ Review, amend and repeal its national discriminatory laws and regulations against persons of certain religious backgrounds, in particular Muslim migrants (Egypt).
- ⁵⁷ Take further measures to combat discrimination in the labour market and combat in particular discrimination based on ethnic origin and discrimination targeting transgender people (France).
- ⁵⁸ Employers must provide a good working environment. The Working Conditions Act requires employers to prevent and fight discrimination and harassment among their employees. The Social Affairs and Employment Inspectorate monitors the employers' compliance. Racial discrimination in the labour market, like gender discrimination, is a criminal offence. The Minister of Security and Justice is working to step up antidiscrimination policy to reduce discrimination in general, including discrimination in the labour market. See National Report, VII.C.
- ⁵⁹ Intensify efforts to combat the dissemination of ideas based on the racial superiority through Internet, as well as other media including racist speech by political parties (Poland).
- ⁶⁰ The Dutch government subsidises an Internet Discrimination Hotline (MDI), established to receive reports of manifestations of discrimination or racism on the internet. The MDI's main tasks are responding to notifications of discrimination on the internet, removing discriminatory material and contributing to criminal law enforcement. Police services specialised in cybercrime are also involved in investigating reports of discrimination or racism on the internet. The Public Prosecution Service has a special national service dedicated to prosecuting discrimination and racism, the National Discrimination Expertise Centre (*Landelijk Expertise Centrum Discriminatie*, LECD).
- ⁶¹ Continue to engage in a national dialogue with a view to promoting respect for diversity and tolerance in line with its obligation under the ICCPR (India).
- ⁶² A dialogue on diversity and tolerance is imperative in a democratic and pluralist society. A vital dialogue with religious and ethnic groups exists in Dutch society. The diverse and heterogeneous nature of society requires a dialogue with many different kinds of people from different ethnic and socioeconomic backgrounds. For that reason the existing official consultation process, in which eight ethnic minority organisations were regularly consulted, will be replaced by a more flexible dialogue.
- ⁶³ Take all necessary measures to prevent and eliminate all manifestations of racism, Islamophobia, xenophobia, and religious intolerance (Islamic Republic of Iran).
- ⁶⁴ Take more serious measures to prevent and suppress manifestation of racism, xenophobia and intolerance against minority groups in the country, in particular the Muslims (Malaysia).
- ⁶⁵ Design a comprehensive policy to address discrimination of national minorities in all areas (Mexico).
- ⁶⁶ Adopt all the measures necessary to combat discrimination in all its forms, including racism and xenophobia (Nicaragua).
- ⁶⁷ Develop a national action plan to combat discrimination in consultation with civil society (Norway).
- ⁶⁸ Appeal the verdict made by the Amsterdam District Court in the case of Geert Wilders on the charges of incitement to hatred and discrimination (Pakistan).
- ⁶⁹ Strengthen legal and institutional measures to prevent and suppress manifestations of racism, xenophobia and intolerance (Pakistan).
- ⁷⁰ Ensure adequate registration of discriminatory motives by raising awareness among the legal profession and law enforcement officials of the need to recognize aggravated circumstances specific to hate crimes and discrimination at all levels of prosecution and criminal procedures (Hungary).
- ⁷¹ Make further efforts to combat racial discrimination and xenophobia, and to promote racial and religious harmony (Qatar).
- ⁷² Continue to take measures and actions in line with the fight against discrimination including through guidelines for website moderators to keep their websites free from discriminatory content that constitutes a criminal offence (Romania).
- ⁷³ A digital guideline is currently being drafted to help website moderators keep their websites free from discriminatory content that would constitute a criminal offence. See 98.45 and the National Report VII.A.44.
- ⁷⁴ Adopt measures to stamp out discrimination arising as a result of the practice of racist, ethnic, or religious profiling (Russian Federation).

- ⁷⁵ In its recent proposal for a General Data Protection Regulation, the European Commission included rules on profiling that address problems that may arise due to the increasing technical possibilities for in-depth searches of databases containing personal data. The Netherlands endorses the need for clear legislative rules on this subject, given the specific challenges for privacy protection that this technology entails.
- ⁷⁶ Approve a plan of action to fight discrimination, and against any initiatives of political associations or groups that promote racism or xenophobia (Spain).
- ⁷⁷ Identify through its domestic discussion effective ways and means to prevent and suppress manifestation of racism, xenophobia and intolerance (Thailand).
- ⁷⁸ Follow up on the CESCR recommendation to combat racism and xenophobia and to enforce effectively the legal prohibitions against discrimination in the enjoyment of economic, social and cultural rights (Turkey).
- ⁷⁹ Strengthen policies and measures to prevent and eliminate the manifestations of racism, xenophobia and intolerance in society, in particular during the national and local electoral campaigns (Uruguay).
- ⁸⁰ Take appropriate measures in combating discrimination and marginalization against vulnerable groups, particularly migrants, minorities, women, children and persons with disabilities (Vietnam).
- ⁸¹ Furthermore, the Netherlands' integration measures are aimed at stimulating participation in public life and strengthening social cohesion. These measures are in line with broader policy to promote active citizenship. Participation is essential for successful individual lives and to prevent marginalisation. The Dutch government contributes to this process by helping to shape a society in which anyone who settles here can make a life for themselves through active participation.
- ⁸² Take more efficient measures to prevent and eliminate manifestations of racism, xenophobia and intolerance in political speech (Algeria).
- ⁸³ The Netherlands finds it difficult to accept this recommendation. The Kingdom of the Netherlands notes in this regard that the terms 'racism' or 'xenophobia' imply the commission of a criminal offence. Such a conclusion can only be drawn post facto by a court of law. To date, no court has drawn this conclusion. Freedom of expression, a key principle of democracy, excludes the possibility of preventive censorship.
- ⁸⁴ Intensify its efforts to eliminate discrimination against migrants and other minority women, who still face multiple forms of discrimination with respect to education, health, employment and social and political participation (Azerbaijan).
- ⁸⁵ Intensify its efforts to eliminate discrimination against migrant, black, Muslim and other minority women, who still face multiple forms of discrimination (Bangladesh).
- ⁸⁶ Intensify its efforts to combat the dissemination of ideas based on racial superiority including racist speech by political parties through the Internet as well as other media (Bangladesh).
- ⁸⁷ Take measures to address concerns of racial discrimination in the application of its national policies (Botswana).
- ⁸⁸ Ensure effective national oversight and evaluation of municipal programmes that have been developed to protect the rights enshrined in Article 1 of the Dutch Constitution concerning prohibited grounds for discrimination, in particular ensure that these programmes utilize a broad systematic approach taking into consideration current fiscal realities (Canada).
- ⁸⁹ Develop a national plan against racism (Costa Rica).
- ⁹⁰ Adopt effective measures to combat racism, racial discrimination and incitement to racial hatred, and in particular, to prohibit the dissemination of racist and xenophobic propaganda (Cuba).
- ⁹¹ Fully implement the measures regarding violence against women as outlined in its UPR interim report and consider implementing the recommendations of the Special Rapporteur on violence against women and CEDAW (India).
- ⁹² We refer to the recently submitted response of the Kingdom of the Netherlands to CEDAW on the steps taken to implement the recommendations contained in paragraphs 27 and 29.
- ⁹³ Adopt effective measures to combat violence against women and to fight poverty (Cuba).
- ⁹⁴ Adopt effective measures to improve conditions in prisons, reduce overcrowding and eliminate ill-treatment and forced labour of persons deprived of liberty (Cuba).
- ⁹⁵ Section 47.

- ⁹⁶ Ensure that in its application of preventive body searches, all relevant human rights are adequately protected, in particular the right to privacy and physical integrity and the prohibition of discrimination on the basis of race and religion (Greece).
- ⁹⁷ The power to stop and search is strictly regulated in the Netherlands. The mayor of a municipality may designate an area where, for a limited period of time, preventive searches may be carried out in response to a disturbance of or grave threats to public order due to the presence of weapons. The public prosecutor then has discretion to order actual body searches and searches of vehicles and luggage for weapons.
- ⁹⁸ Build on this success (achieving a total prohibition of corporal punishment of children in all settings in the European part of the Dutch territory) and ensure that this prohibition is also duly implemented in Aruba and the Netherland Antilles by enacting the necessary legislation in this regard (Hungary).
- ⁹⁹ Report on the implementation of the 2012-2016 Action Plan against Child Abuse, including sexual violence and child pornography, during the next interim UPR report (Hungary).
- ¹⁰⁰ Intensify efforts to prevent and combat cases of exploitation of children related to sexual tourism, including through legal measures that effectively protect child victims of sexual exploitation and prostitution, and to bring the perpetrators of these aberrant practices to justice (Uruguay).
- ¹⁰¹ For example, virtual child pornography, obtaining access to child pornography (including but not limited to downloading it) and corrupting and ‘grooming’ children are all criminal offences.
- ¹⁰² For more information see the national report under 10.
- ¹⁰³ Strengthen training of public order officials, social workers and prosecutors on the way to investigate and verify the complaints of sexual exploitation of children, and prosecute the authors of these offenses, taking into account child sensitivity (Uruguay).
- ¹⁰⁴ Adopt practical measures to ensure absolute prohibition of violence against women and cruel treatment of children (Uzbekistan).
- ¹⁰⁵ Carry out actions to improve the current strategy to combat trafficking in human beings, taking into account, among other, intensifying investigations, training professional staff and creating assistance centres (Mexico).
- ¹⁰⁶ See the National Report X.
- ¹⁰⁷ Adopt immediate measures, including reviewing legislation and developing comprehensive strategies to eradicate trafficking in children, sexual exploitation and involvement of adolescents in prostitution (Belarus).
- ¹⁰⁸ Continue strengthening the functions of the competent institutions and use of adequate mechanisms to more efficiently combat domestic violence, which mainly affects women and children (Chile).
- ¹⁰⁹ A national policy was adopted in 2002 on combating domestic violence. In 2011 a policy evaluation was published, showing that a great deal has been achieved. The government continues to address the problem with a government-wide approach to tackling all forms of domestic violence (including partner violence and child abuse). In July 2012 the government drew up an overview of all the activities carried out as part of the government-wide approach to the domestic sphere. See the National Report under IX.
- ¹¹⁰ Intensify its efforts, at national level and vis-à-vis the different ad-hoc international bodies, to reinforce measures aimed at fighting the use of children in sexual tourism and child pornography (Chile).
- ¹¹¹ The Dutch government is strongly committed to combating child sex tourism and child pornography. Child sex tourism can only be banned by means of a comprehensive approach, including international action in close cooperation with destination countries, NGOs and travel agencies. The Netherlands has effective legislation in place to combat child sex tourism (tourists’ abuse of children during the tourists’ holidays in foreign countries). The legislation provides for broad extraterritorial jurisdiction, without requiring that acts be criminal offences in both countries. New legal measures to prevent child sex tourism include an additional provision (effective from 1 April 2012) prohibiting convicted criminals from travelling to destination countries. See the National Report under X, 101, 102 and 103.
- ¹¹² Seek alternative solutions to deprivation of liberty for minors in particular in order to avoid pre-trial detention of minors, while awaiting judgement (France).

- ¹¹³ Courts are always obliged to check whether young offenders are eligible for suspension of pre-trial detention, and if not, to explain why there are not adequate conditions for surveillance. Furthermore, first offenders can be sent to a HALT Bureau, where they can make amends in lieu of prosecution. Finally, in special cases the public prosecutor can order pre-trial detention in a young offenders' institution rather than in a police cell. This reduces a young person's time in police custody. A 16- or 17-year-old young offender can be kept at a police station for no more than 10 days, and a 12-to-15-year-old for no more than 3 days.
- ¹¹⁴ Consider additional steps to ensure that any potential changes in court fees are proportionate and affordable, and that they do not prejudice access to the legal system (United Kingdom of the Great Britain and Northern Ireland).
- ¹¹⁵ Enact laws and legislation on freedom of expression in line with both articles 19 and 20 of the ICCPR (Egypt).
- ¹¹⁶ Step up its efforts to comprehensively address this trend (the trend that political and public figures including media made discriminatory and discriminatory speech against Muslims), not only from the freedom of expression perspective but also from socio-cultural point of view (Indonesia).
- ¹¹⁷ Ensure that the freedom of expression, press freedom and internet freedom will not result in racism, intolerance and hatred against minority groups (Malaysia).
- ¹¹⁸ Promote more equal representation of men and women in top positions (Norway).
- ¹¹⁹ Additional information will be reported in our UPR (interim) report. See also the National Report under VII.C.61-64.
- ¹²⁰ Adopt measures to criminalize incitement to hatred and imminent violence based on religion or belief (Pakistan).
- ¹²¹ Adopt legal provisions for reduced working hours, additional paid holidays or another form of compensation in dangerous and unhealthy occupations (Poland).
- ¹²² Take steps to facilitate equal access to the labour market, including by increasing women's ability to continue as full-time employees following child birth (Norway).
- ¹²³ The Netherlands considers it important that all unemployed people take responsibility for participating in the labour market. This entails using measures and instruments that take account of the individual situation. The government wants to send the message that caring for young children can be combined with paid work, ambition and ongoing personal development. We will support people's efforts to combine work and care through the opportunities offered by flexible working hours and collective labour agreements. In this way employers can have more to offer working mothers and fathers.
- ¹²⁴ Implement measures to decrease the wage gap between men and women (Norway).
- ¹²⁵ Pursue an active and strict policy to end unfair pay differences between men and women especially in Government organizations (Greece).
- ¹²⁶ Ensure that women enjoy equal access to the labour market and equal pay for work of equal value (Slovenia).
- ¹²⁷ Intensify its efforts to ensure that education, health, employment and social protection programmes are inclusive and not discriminatory. Apply also these measures to all the countries and territories that form the kingdom of the Netherlands (Nicaragua).
- ¹²⁸ In the Netherlands, educational facilities are available to everyone. People's financial situation is taken into account to make education genuinely available to them.
- In Curaçao the principle of non-discrimination, enshrined in several international human rights instruments to which Curaçao is party as a country of the Kingdom of the Netherlands, is guaranteed by article 3 of Curaçao's Constitution.
- The principle of non-discrimination is also enshrined in article 1 of the Constitution of Aruba. Aruba has a compulsory health insurance for everyone who is registered in the population register. In December 2011, Parliament passed the Compulsory Education Ordinance, which applies to all children aged over 4 and under 17. This Ordinance guarantees access to education to all children, irrespective of their legal status. The Your Neighbourhood Project (Bo Bario) has been set up to improve the quality of life in the various neighbourhoods. It also aims to foster the social cohesion in society by bringing all inhabitants together, without distinction, to take an active role in the upkeep of their own neighbourhood.

For Sint Maarten the principle of equality and non-discrimination is laid down in article 16 of the Constitution. Pertaining to education programmes being inclusive and not discriminatory, the Ordinance on Compulsory Education guarantees the right of education for all children regardless of their legal status. In September 2009, St Maarten started implementing the compulsory education ordinance. Under this legislation, all children residing in St. Maarten between the ages of four and eighteen must attend school. The ordinance has introduced a change for the better for undocumented children residing in St Maarten.

- ¹²⁹ Ensure the equal enjoyment of economic, social and cultural rights by all individuals and groups under its jurisdiction and adopt a national plan of action to combat the rise in homelessness (Azerbaijan).
- ¹³⁰ The enjoyment of economic, social and cultural rights by all individuals within the Kingdom is important in all parts of the Kingdom. Since October 2010 the three small islands in the Caribbean, Bonaire, St Eustatius and Saba, have been part of the Netherlands. The Charter for the Kingdom of the Netherlands mentions several factors that may justify different treatment of Bonaire, St Eustatius and Saba. The paragraph does not contradict the principle of equality or non-discrimination; it is rather an explanation of the way this principle should be applied. The Dutch government has improved the situation on these islands in several respects. A general healthcare system has been introduced. School books are now free. Taxes are lower than in the European part of the Netherlands. On the other hand, wages and benefits are also lower, as higher wages and allowances might attract many people from surrounding areas and cause socioeconomic imbalances. The government and parliament have sought to contrive a package of measures that ensures the economic, social and cultural rights of the people of the islands without having negative socioeconomic effects.
In 2006 the Netherlands adopted a Community Shelters Action Plan aimed at gradually integrating all homeless people into a comprehensive system (including housing and care). By 2010 about 10,000 homeless people had been successfully helped. Phase 2 of the plan was adopted in 2011.
- ¹³¹ Establish guidelines for training on human rights in primary and secondary education, with homogenous curricula in all the educational centres (Spain).
- ¹³² See the national report under XII.
- ¹³³ Facilitate enrolment of children with missing or incomplete documents, improve the safety situation at schools experiencing difficulties in that regard, and include human rights and child rights education in school curricula at all levels (Azerbaijan).
- ¹³⁴ See the national report under XII.
- ¹³⁵ Review and amend national legal and policies integration measures with a view to respect the cultural and religious backgrounds of migrant communities, in particular Arab and Muslim communities (Egypt).
- ¹³⁶ Consider reinstating the Turkish mother tongue lessons as part of the primary and secondary school curricula (Turkey).
- ¹³⁷ Strengthen efforts to promote access of persons with disabilities to education and labour market, their legislative protection, in particular through speeding up approval by the Parliament of the CRPD (Ukraine).
- ¹³⁸ Study the possibility to establish new measures aimed at eliminating any discriminatory treatment towards ethnic minorities (Argentina).
- ¹³⁹ Develop a migration policy, taking into account the international human rights standards in this respect (Guatemala).
- ¹⁴⁰ The migration policy The Netherlands has developed is in accordance with international human rights. Enforcement methods are aimed at ensuring a fast and accurate procedure.
- ¹⁴¹ Promote substantive reforms in the immigration policy, which guarantee its conformity with international standards, revoking measures exposing foreigners to marginalization (Mexico).
- ¹⁴² Take all necessary measures, in accordance with international human rights law, to reduce the use of detention of persons solely on grounds of immigration reasons or because they belong to minority groups (Nicaragua).
- ¹⁴³ Directive 2008/115/EC of the European Parliament and the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Member States were to comply with the Directive by 24 December 2010.

- ¹⁴⁴ Review migration policies that exist in the country with a view to ensure the full application of international standards (Paraguay).
- ¹⁴⁵ Introduce measures to reduce detention of individuals solely for immigration purposes and consider other alternatives than detention to use when possible (Sweden).
- ¹⁴⁶ A differentiated system is in place for rejected asylum seekers, including alternatives to detention like the requirement to report to the authorities and restriction of liberty. In March 2011 a new policy was adopted on detaining unaccompanied minors who are now housed in facilities run by the Central Agency for the Reception of Asylum seekers (COA).
- ¹⁴⁷ Enact public programs to improve integration of Muslim and other immigrants into Dutch society, and build bridges between communities (United States of America).
- ¹⁴⁸ Protect the social and cultural rights of migrants while taking integration measures and policies aimed at migrants (Bangladesh).
- ¹⁴⁹ In coordination with OHCH), IOM, ILOand relevant special procedures of the Human Rights Council, develop a comprehensive strategy to protect the rights of migrants and persons belonging to ethnic minorities (Belarus).
- ¹⁵⁰ Due to the criminalization of irregular residency in the country, design alternatives for the detention of irregular or undocumented immigrants (Brazil).
- ¹⁵¹ Reduce the number of persons in the detention centres for migrants and create alternative measures to detention, especially for families with children or unaccompanied minors (Ecuador).
- ¹⁵² Improve the conditions of migrants detention centres, especially with regard to the medical and psychological attention, as well as contact with the outside (Ecuador).
- ¹⁵³ In 2008 there was a reorientation of policy on detaining aliens. One of the changes was the adoption of a healthcare plan focusing on the quality of care and the expertise of medical staff, especially nurses, who are given mandatory extra training. The health care provided in detention centres includes psychiatric care.
Detention centres have regular visiting hours, and people may request additional visiting hours. Every detention centre also has a service desk for practical assistance.
- ¹⁵⁴ Review asylum procedures with a view to expediting the decisions in the cases of children asylum seekers as quickly as possible and facilitating family reunion of vulnerable children in an efficient and appropriate manner (United States of America).
- ¹⁵⁵ Ensure increased transparency and oversight exercised by civil society of the conditions, in which asylum seekers are kept and treated (Russian Federation)
- ¹⁵⁶ Consider additional measures to ensure that the interests of children are properly taken into account in provisions for asylum seeking families, since they are especially impacted by long delays and uncertainty (United Kingdom of the Great Britain and Northern Ireland).
- ¹⁵⁷ Carry out investigations into complaints and information on cruel treatments during the expulsions of foreigners from the Netherlands and ensure transparency when investigating such complaints (Uzbekistan).
- ¹⁵⁸ Contribute effectively in the operationalization of the right to development at the international level (Pakistan).