

UPR Session Geneva – 29 August 2022

Representative NJCM: *Sofia van Dijk*



Text

Introduction

< Slide 1 >

Your Excellencies,

My name is Sofia van Dijk. Today, I represent the Dutch Section of the International Commission of Jurist – a NGO which is committed to the protection of human rights in the Netherlands. NJCM has participated in all the previous UPR processes of the Kingdom of the Netherlands, and we are pleased to do so this year as well.

Our report for the UPR of the Kingdom of the Netherlands was endorsed by 12 other NGOs. Today, we wish to flag two issues from our report, namely:

- 1. Asylum and Migration; and*
- 2. The human rights infrastructure in the Netherlands.*

Asylum and Migration

< Slide 2 >

Although several states recommended to improve the protection of migrants and discrimination against them, the current situation is even worse than five years ago. The NJCM is deeply concerned about the consequences of the discouragement policy of the national government regarding migration. In addition to the responsibility of the national government to ensure that human rights are upheld, the local government bear a responsibility as well. They have however been reluctant to take in migrants and sometimes refused to do so. Remarkably, there is a different attitude towards refugees from the Ukraine, proving that there are possibilities where there is a (political) will.

Due to earlier cuts in budgets and placement centers, staff shortages, and the current housing crisis, the first point of entry in the Netherlands, Ter Apel, is confronted with an overflow of migrants. Apart from the cuts and the influx of new migrants, this situation has occurred because people holding a valid residence permit are unable to move out of asylum centers to a permanent home due to a lack of affordable housing. Conditions in many reception centers do not meet the required standards and people arriving at Ter Apel have to sleep outside or on the floor awaiting transfer to a reception center. They don't receive sufficient meals and there's a lack of privacy. In addition, many migrants complain about

having been replaced multiple times within a one-month period. The situation is especially worrying for families with young children and unaccompanied minors.

Recommendations

< Slide 3 >

The government should act urgently to ensure that asylum & migration policies live up to human rights standards by providing sufficient accommodation for asylum-seekers and eliminating unnecessary delays in the asylum procedure. In addition, the government must ensure that the executive organizations are structurally prepared for increases in the migration influx. Finally, as asylum requests are only accepted in Ter Apel and Schiphol, and having regard to the enormous pressure on the former, the government should provide for additional points of entry which accept these requests.

Human Rights Infrastructure

< Slide 4 >

Under the overarching pillar of the “Human Rights Infrastructure”, the NJCM wishes to draw your attention to three areas of concern, namely:

1. Access to justice, taking *all* human rights seriously;
2. Consultation of and dialogue with civil society; and
3. Human rights and children’s rights education in primary and secondary education.

Access to justice

The Kingdom of the Netherlands was called upon to ratify the Optional Protocols to the International Convention on Economic, Social and Cultural Rights, the UN Convention on the rights of persons with disabilities and the Convention on the Rights of the Child in its earlier UPRs by several States as well as the human rights committee. The government was quick to sign the ICESCR Protocol in 2009. However, to this day, the Protocol has not been ratified yet, while access to ESC rights is important for the interests protected by these rights, such as education, health care and social security. To underline that all human rights are indivisible and interdependent, the government should finally ratify the OP to the ICESCR and sign and ratify the (third) OPs to the CRC and CRPD.

After a significant delay of five years, the Council of State published it’s advice on the ratification of these three important Optional Protocols and the government will react on the advice by the first of November.

Consultation of and dialogue with civil society

Consulting civil society actors and other stakeholders in policymaking is of utmost importance for the quality and effectiveness of both policy and legislation. Although these consultations are part of the human rights-based approach that is supported by the

Netherlands, civil society organizations are quite often given insufficient time to adequately share their input on draft bills. In some cases, the consultation period is only open for five days, while the consequences of certain laws are significant. The government consultation for the UPR was again lacking space for a fruitful dialogue and can best be described as “checklist-diplomacy”. The NJCM calls upon the government to hold a second consultation before the review in November.

Human rights and children’s rights in primary and secondary education

In 2021, the NJCM positively received the entry into force of the amendment of the national law on citizenship education, which aims to strengthen amongst others the position of human rights and children’s rights in citizenship education in primary and secondary education. However, there are still concerns about the implementation of the amended law as the curriculum has yet to be reformed. This process will only start in the coming months. The recent nation-wide consultation of schools and other stakeholders (Curriculum.nu), which resulted in so-called “building stones for the new curriculum”, including human rights and children’s rights, seems to have been degraded to ‘input’ by the new government. The NJCM raises its concerns about the consequences thereof and its undermining effect on the quality of human rights and children’s rights education in schools.

Recommendations

Having regard to the issues raised, the NJCM urges the government to:

- (sign and) ratify the Protocols to ICESCR, CRC and CRPD, to benefit access to justice and to bring the social, economic and cultural rights to the same level as civil and political rights;*
- to actively facilitate the involvement of civil society actors and other stakeholders in policy and law-making, and to allow for sufficient time for consultations;*
- to ensure that human rights and children’s rights are well represented in the new curriculum for primary and secondary education, as well as vocational education. It should also ensure that civil society actors are involved in the process of creating the new curriculum.*

Closing remarks

< Slide 8 >

Your Excellencies,

On behalf of the NJCM, I sincerely thank you for your attention. I would be glad to answer any questions that you may have and to share our full report and factsheets with you after this session.

Thank you.