



Government of the Netherlands

# National Action Plan on human rights 2020

Access to services



## Colophon

The National Action Plan on Human Rights is a publication of the Ministry of the Interior and Kingdom Relations.

### Contact

Constitutional Affairs and Legislation Department

Mr. dr. P.B.C.D.F. van Sasse van Ysselt

Mr. dr. N.S. van der Have

F. van Leeuwen, MSc

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## Preface



Human rights are important and are applicable to every human being. That is the guiding principle of this new National Action Plan on Human Rights – a principle that came up time and again during talks with civil society organisations and monitoring bodies in the drafting of this Action Plan. It is a principle that I endorse wholeheartedly. The theme of this Action Plan – access to services – was chosen because it is relevant to all people and shows how human rights play a role in everyone's daily lives.

Human dignity is at the basis of all human rights. It means putting people first, not institutions, procedures or systems. So human rights, with the aid of this Action Plan, can help improve the situation of people in the Netherlands.

In designing its services the government takes human rights as its standard. Public services like housing benefit and student finance, for instance, help people exercise their right to adequate housing and right to education and therefore play an important role in making human rights a reality for everyone in the Netherlands. To this end it is necessary that the government designs services in such a way that they are accessible to the people for whom they are intended, avoiding discrimination and financial and physical obstacles.

It is not always easy for people to find their way to the right services. Anyone can find themselves in a vulnerable situation at some point. People may run up too much debt or be confronted simultaneously with multiple problems, such as losing their job and then having trouble paying their rent or their mortgage. In these situations it is especially important to apply to the right services, thus invoking the associated human rights. People in vulnerable situations often cannot see the wood for the trees, or simply get stuck in their problems. That is why the government needs to pay extra attention to the accessibility of services and work to improve this where necessary. This National Action Plan on Human Rights pursues this aim.

It is also important that people can where necessary defend their rights. Many procedures and bodies are in place for this purpose, which are often publicly funded and managed. All this sounds abstract, but the importance of such services is undisputed. The Action Plan describes what the government is doing to make it as easy as possible for people to assert their rights.

All the public services referred to above are part of the broader human rights system in the Netherlands. The second part of this Action Plan paints a more detailed picture of this system, at both national and international level, and of Dutch human rights policy. As such it is a good source of knowledge on human rights, knowledge that is key to standing up for your rights.

Meanwhile, society continues to change and evolve. New developments like digitalisation sometimes give rise to the need for fine-tuning and maintenance. By monitoring these developments and investigating what adjustments are necessary, the government is making long-term investments in the human rights system.

The Netherlands has a high standard of human rights protection, and that is something we can be proud of. In order to maintain that high standard, the government must also be alert to the scope for making improvements. The Action Plan is devoted to this aim.

**Raymond Knops**

Minister of the Interior and Kingdom Relations

# Introduction

## 1. Background

The National Action Plan on Human Rights comprises two parts. The first part describes actions aimed at improving access to services, which will further promote and protect human rights in the Netherlands. The second part gives an overview of the Dutch human rights system and Dutch human rights policy. This introduction gives insight into the background and goals of the Action Plan and how it was developed.

### International Context

- National human rights action plans have their roots in the **1993 World Conference on Human Rights**.<sup>1</sup> In the Vienna Declaration and Programme of Action, the World Conference recommended that 'each State consider the desirability of drawing up a national action plan identifying steps whereby that State would improve the promotion and protection of human rights'.
- In 2002 the UN High Commissioner for Human Rights published a **Handbook on National Human Rights Plans of Action**.<sup>2</sup>
- In 2009 the Council of Europe Commissioner for Human Rights issued a '**Recommendation on systematic work for implementing human rights at the national level**',<sup>3</sup> which also looks at national action plans on human rights.
- A great many countries worldwide now have their own national human rights action plans, including nine countries in Europe.<sup>4</sup> Some, like Finland and Sweden, have already published their second or third human rights action plan.

This action plan is a follow-up to the first National Action Plan on Human Rights that was published in 2013.<sup>5</sup> That action plan was praised by several national and international monitoring bodies, which also gave recommendations on how it could be improved. After having received enough recommendations – such as during the Universal Periodic Review (UPR), the United Nations' human rights 'test' – the Netherlands was able to draft this follow-up action plan.<sup>6</sup>

The new action plan is also a response to the request by the House of Representatives that the government draw up a new action plan incorporating the UPR recommendations.<sup>7</sup>

<sup>1</sup> World Conference on Human Rights in Vienna, Vienna Declaration and Programme of Action, 25 June 1993. See: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/Vienna.aspx>, paragraph 71.

<sup>2</sup> Office of the United Nations High Commissioner for Human Rights, Handbook on National Human Rights Plans of Action, 29 August 2002. See: <https://www.ohchr.org/Documents/Publications/training10en.pdf>.

<sup>3</sup> Council of Europe Commissioner for Human Rights, Recommendation on Systematic Work for Implementing Human Rights at the National Level, 18 February 2009, CommDH(2009)3. See: <https://rm.coe.int/16806da952>, chapter 4.

<sup>4</sup> See: <https://www.coe.int/en/web/commissioner/systematic-human-rights-work>.

<sup>5</sup> Parliamentary Papers, House of Representatives, 2013/14 session, 33826, no. 1. See: <https://www.rijksoverheid.nl/documenten/publicaties/2013/12/10/nationaal-Actionplan-mensenrechten>.

<sup>6</sup> Report by the Council of Europe Commissioner for Human Rights following his visit to the Netherlands from 20 to 22 May 2014, 14 October 2014. See: <https://rm.coe.int/16806db830>, paragraph 63; CESCR, Concluding observations on the sixth periodic report of the Netherlands, E/C.12/NLD/CO/6, 6 July 2017. See: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNLD%2f6&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2fNLD%2f6&Lang=en), paragraph 8; CAT, Concluding observations on the seventh periodic report of the Netherlands, CAT/C/NLD/CO/7, 18 December 2018. See: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNLD%2fCO%2f7&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2fC%2fNLD%2fCO%2f7&Lang=en); Report of the Working Group on the Universal Periodic Review, Netherlands, A/HRC/36/15, 18 July 2017, recommendations 131.29 and 131.30. See: [https://www.upr-info.org/sites/default/files/document/netherlands/session\\_27\\_-\\_may\\_2017/a\\_hrc\\_36\\_15\\_e.pdf](https://www.upr-info.org/sites/default/files/document/netherlands/session_27_-_may_2017/a_hrc_36_15_e.pdf).

<sup>7</sup> Parliamentary Papers, House of Representatives 2016/17 session, 30950, no. 129. See: <https://www.tweedekamer.nl/kamerstukken/moties/detail?id=2017Z09876&did=2017D20569>.

## 2. Objectives

The National Action Plan on Human Rights pursues various objectives, some of which concern the plan's outcomes and others the way in which the plan is developed, in accordance with the UN's Handbook on National Human Rights Plans of Action, which gives equal importance to both outcomes and process.<sup>8</sup> This means the process followed must be transparent and inclusive, and plays an important role in raising awareness of human rights among a wide range of parties. The process thus has intrinsic value.

### Objectives

1. **To promote and protect** human rights in the Netherlands.
2. **To give insight** into the government's role in this regard.
3. **To connect** the parties involved in promoting and protecting human rights.
4. **To emphasise** the importance that the Netherlands attaches to human rights.
5. **To provide input** for international policy development processes and reports to human rights treaty bodies.

1. The first and most important objective is to boost the promotion and protection of human rights in the Netherlands. The standard of human rights protection and promotion is generally high in our country, but there is always room for improvement. The first part of this action plan sets out concrete actions to improve access to services for all those who are entitled to them.
2. Human rights are promoted and protected in various ways in the Netherlands, but this is not always visible. The second part of this action plan therefore gives an overview of the existing human rights system and current policy. It explains the role of both government and several other, independent parties in ensuring human rights are respected and upheld in the Netherlands.
3. The public sector cannot do this alone. It also requires efforts from numerous parties in civil society, such as monitoring bodies and non-governmental organisations, and ultimately from individual members of the public as well. In the process of developing this action plan, a special effort was therefore made to involve key stakeholders, by establishing a focus group, and to collect the views of other parties through face-to-face interviews or questionnaires (see: *Process and policy cycle*).
4. The action plan can also be said to have symbolic value, as it underscores the government's continued focus on human rights in the Netherlands – vis-à-vis parties in the Netherlands as well as other countries – and its willingness to engage in dialogue on human rights. The action plan also bolsters the credibility and effectiveness of Dutch human rights action abroad.
5. Finally, the action plan provides input for the Netherlands' reports to human rights treaty bodies and for international policy development. This also contributes to the Netherlands' international role, and can improve general insight into human rights situations around the world, as well as coherence.

<sup>8</sup> Office of the United Nations High Commissioner for Human Rights, Handbook on National Human Rights Plans of Action, 29 August 2002, p. 56. See: <https://www.ohchr.org/Documents/Publications/training1oen.pdf>.

### Human rights perspective

All human rights are founded on the principle of human dignity. That means putting people first, not institutions, procedures, systems or forms. Looking at access to services from a human rights perspective has a number of clear advantages. It is an integrated approach that looks at legislation, policy and practices with a wide-angle lens rather than the limited perspective of a single domain or organisation. Later in this document, we show how this can help if one can no longer see the wood for the trees, or where departmentalism impedes an integrated approach.

Various aspects of human rights can be used to make a human rights perspective possible. All human rights are founded on certain general principles that always need to be considered in designing policy and legislation: equality, autonomy, participation and legal protection.

## 3. Process and policy cycle

Experiences with and evaluations of the first action plan that came into effect in 2013 were used in developing this new action plan. In particular, the following points were identified:

- the importance of making civil society consultations broader and more inclusive;
- transparent explanations of the choices made;
- concrete formulation of new points for action.

This resulted in three major adaptations. First, more time was given to developing the second action plan. Special care was taken to ensure the process was inclusive and a focus group was formed with civil society representatives, chaired by Professor Roel de Lange (see *Annexe I* for a complete list of the group's members). The focus group contributed actively during all the stages of the development process. In addition, an independent research agency interviewed various stakeholders and sent out questionnaires. During the process and in this action plan, the choices made have been explained as clearly as possible, giving reasons. Finally, the action plan has a thematic focus, so that concrete actions can be formulated and demonstrable added value can be achieved 'on the ground'.

### Process

1. **Preparation stage:** plan of action, research, choice of theme.
2. **Consultation stage:** interviews with stakeholders and questionnaires sent to a broad range of parties.
3. **Drafting stage:** formulating concrete actions jointly with other ministries and stakeholders.

The action plan was developed in three stages (see: Process). The first stage involved writing a plan of action and carrying out the necessary background research. This included studying the impact of major developments in society on human rights in the Netherlands, identifying current national human rights policy, and making an overview and analysis of the various national and international monitoring bodies' recommendations. Various themes for the new action plan were also explored at this stage, with the interministerial consultative group and the focus group providing input. Both groups recommended choosing the theme of 'access to services', given that human rights are important for and applicable to every individual. The government followed up on that recommendation. In the second stage an independent research agency identified opportunities and problems relating to the accessibility of services, by means of interviews and a questionnaire. In-depth interviews were also conducted with representatives of civil society organisations and municipalities. In the third and final stage the government defined actions aimed at resolving the problems identified. These points for action are discussed in Part I.



As mentioned above, the process is just as important as the outcome. That is why highlighting the importance of human rights has also been incorporated into the process. To this end, the project team for the National Action Plan on Human Rights, which falls under the Ministry of the Interior and Kingdom Relations, held meetings and symposiums to raise awareness and highlight the added value of a human rights perspective.<sup>9</sup> These activities were additional to the team's regular work on the new action plan. The importance of the process also means that publication of the action plan does not signify completion. The action plan will lead to implementation, monitoring of implementation (by the interministerial consultative committee on the human rights action plan, for example), evaluation and, if necessary, modification to keep it up to date. As such the action plan is a living document.

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<sup>9</sup> For example, the symposium entitled 'Mensenrechten in het Openbaar Bestuur' (Human Rights in Public Administration) held on 12 December 2018 and the 'Toegankelijkheid van voorzieningen' (Accessibility of Services) symposium on 12 December 2019.

Part I:

# Access to services

## 1. Thematic choice

The Netherlands has a high standard of human rights protection. The National Action Plan on Human Rights helps to maintain and where necessary raise that standard (see Introduction, sections 1 and 2) in an ongoing process. The action plan also offers scope for focusing human rights efforts on a particular theme that has universal relevance and was chosen in consultation with civil society organisations: access to services.

Various public services are in place to ensure people's human rights are fulfilled. Examples include financial support schemes in the area of healthcare and housing, student grants, debt counselling and employment services for people who have lost their jobs. All these services are managed by and accessed through dedicated organisations (physical and digital). Human rights create obligations for government as regards, for instance, affordability, physical accessibility and proximity to users, non-discrimination and access to information, all of which ensure these services are accessible (see *Categories of rights and obligations*).

*Human rights are important and are applicable to every human being.* This is the guiding principle of this new action plan. It means, for instance, that public services designed to fulfil human rights are accessible to the people for whom they are intended. Part I of this action plan focuses on this key aspect. The government's efforts to ensure access to services link up multiple human rights. For instance, people who have not enjoyed a good education and can therefore barely read and write generally have more difficulty exercising their freedom of expression or participating in political activities.

### **Definition: access to services**

Access is a key concept in relation to human rights, because it is an essential aspect of being able to exercise your rights. The concept is interpreted in many different ways. Three common examples are:

1. Access to services for people with a disability (UN Convention on the Rights of People with Disabilities). Examples include removing physical obstacles for people in wheelchairs, or designing websites so that they can also be used by people with a visual impairment.
2. Access to information. This is a major condition for freedom of expression, and for transparency of government policy and accountability mechanisms.
3. Access to justice. Access to justice enables people to assert or defend their rights.

This action plan defines access more broadly in terms of accessibility to services. Human rights create obligations for government with regard to the services it provides to protect and fulfil human rights. These obligations relate to the accessibility, availability, acceptability and quality of services – referred to in this document as the AAAQ framework (see *AAAQ framework*).

The government selected this theme based on the advice of the interministerial consultative group and the civil society organisations in the focus group (see *Process and policy cycle*). An independent research agency then set to work identifying the main bottlenecks and opportunities relating to access to services. Data was collected by means of:

1. ten in-depth interviews with experts in various fields;
2. a questionnaire with open questions, sent to a broad sample group. The response rate was high.

The interviews and questionnaire responses were analysed by the agency. The results of this analysis were supplemented with information obtained during individual consultations held by staff of the Ministry of the Interior and Kingdom Relations with representatives of the organisations in the focus group. Various ministries used the outcomes of the interviews and the questionnaires to define actions aimed at further improving access to public services in the Netherlands. These actions are described in sections 2 to 4. Where possible, a deadline has also been given.

### AAAQ framework

AAAQ is an acronym for accessibility, availability, acceptability and quality. These indicators were developed by the UN Committee on Economic, Social and Cultural Rights (CESCR) to further elaborate specific rights. The Netherlands Institute for Human Rights has translated these indicators into practical tools and uses them in, for instance, workshops aimed at teaching municipal officials how to protect and promote human rights in their day-to-day work.

Accessibility can be broken down into the following components:

- **Non-discrimination:** access to services must be guaranteed to all by law and in practice. Special attention should be given to the most vulnerable groups in society.
- **Physical access:** services must be physically and safely accessible to everyone, either physically at an appropriate location or remotely via communication technologies.
- **Economic accessibility:** services must be affordable for everyone. To ensure this, the government can financially support users where necessary.
- **Access to information:** being able to use services is conditional on being able to easily find and understand information about the services.

The UN's Handbook on National Human Rights Plans of Action advises countries to conduct a baseline study as part of developing a national action plan.<sup>10</sup> The Netherlands followed up on this advice by reviewing the results of recent studies, reports and national and international recommendations, and by commissioning an independent survey among stakeholders.

Before starting on the action plan, the Netherlands compiled a list of the recommendations received from international monitoring bodies since 2013 – more than 500 – which often concerned specific public services (see *International recommendations and access to services*).

### International recommendations and access to services

Recommendations by the international monitoring bodies focused particularly on:

- access to education, healthcare and poverty reduction schemes for vulnerable groups (especially children);
- promoting the inclusion of people with disabilities, so that they can participate fully in society;
- combating discrimination and the exclusion of people in vulnerable situations.

<sup>10</sup> Office of the United Nations High Commissioner for Human Rights, Handbook on National Human Rights Plans of Action, 29 August 2002, p. 61. See: <https://www.ohchr.org/Documents/Publications/training1oen.pdf>.

In its 2017 annual report, the Netherlands Institute for Human Rights reviewed the general human rights situation in the Netherlands.<sup>11</sup> It examined services in the areas of housing and homelessness, education, violence against women and children, and services for people with disabilities. The report was studied closely in preparing this action plan.

Other relevant reports from national monitoring bodies and research organisations were also considered in preparing the action plan. According to a number of recent reports, many people (not only those in vulnerable situations) have difficulty navigating the sometimes labyrinthine Dutch system of public services. Terms like ‘capacity for action’ (‘doenvermogen’) and ‘the human dimension’ (‘de menselijke maat’) have been used in describing this problem. The reports advocate putting people first in both legislation and policy. A human rights perspective can help achieve this, as human rights by definition put people first and offer various possibilities for translating that principle into day-to-day practice.

The fundamental value of the human rights perspective is human dignity, which deserves to be articulated more explicitly more often. The Ministry of the Interior and Kingdom Relations is planning a symposium on that theme with other ministries and civil society organisations, including representatives of the various world religions.

#### Relevant reports

- [Nationale Ombudsman, ‘De menselijke maat’ \(‘The human dimension’\), 2011](#)
- [Netherlands Scientific Council for Government Policy \(WRR\), ‘Weten is nog geen doen’ \(‘Knowing is not the same as doing’\), 2017](#)
- [Netherlands Scientific Council for Government Policy \(WRR\), ‘The fall of the middle class?’, 2017](#)
- [Netherlands Institute for Human Rights \(CRM\), 2016 annual report](#)
- [Netherlands Institute for Human Rights \(CRM\), 2017 annual report](#)
- [National Ombudsman, ‘Woonwagenebewoner zoekt standplaats’ \(Study into the reliability of government as experienced by travellers\), 2017](#)
- [Netherlands Institute for Social Research \(SCP\), ‘When a job isn’t enough’, 2018](#)
- [Statistics Netherlands \(CBS\), ‘Armoede en sociale uitsluiting’ \(‘Poverty and social exclusion’\), 2018](#)
- [Significant, ‘Rapportage doorzettingsmacht jeugd’ \(‘Power of intervention in youth care’\), 2018](#)
- [Politie en Wetenschap, ‘Een klacht is gratis advies’ \(‘A complaint is free advice’\), 2018](#)
- [National Ombudsman, ‘Zorgen voor burgers: onderzoek naar knelpunten bij de toegang tot zorg’ \(Study into problems experienced by people in accessing care\), 2018](#)
- [National Ombudsman, ‘Een open deur?’ \(Review of access to municipal debt counselling programmes\), 2018](#)
- [Netherlands Institute for Human Rights \(CRM\), ‘Toegang tot het recht’ \(‘Access to justice’\), 2019](#)
- [National Ombudsman, ‘Invorderen vanuit het burgerperspectief’ \(‘The citizen’s perspective on debt recovery’\), 2019](#)
- [National Ombudsman, ‘Borg de zorg’ \(Survey of problems experienced by patients with dementia and their informal carers in gaining access to care\), 2019](#)
- [Social and Economic Council \(SER\), ‘High expectations: Young people’s opportunities and obstacles in 2019’, 2019](#)
- [Court of Audit, ‘Benefit repayments’, 2019](#)
- [National Commission on the Parliamentary System, ‘Lage drempels hoge dijken’ \(‘Low thresholds, high dikes’\), 2019](#)

<sup>11</sup> Netherlands Institute for Human Rights, ‘Mensenrechten in Nederland 2017 – Jaarlijkse Rapportage’ (‘Human rights in the Netherlands – 2017 annual report’), see: <https://www.mensenrechten.nl/nl/publicatie/38613>; Parliamentary Papers, House of Representatives 2018/19 session, 33826, no. 25 (letter to parliament on human rights/government response to the annual report), see: <https://zoek.officielebekendmakingen.nl/kst-33826-25.html>.

Three components of accessibility are explored in greater depth below. They are:

- Inclusion. Which needs must be met so that people can participate fully in society and access the services they need to this end? (See: *Inclusion: a society that embraces all people*, p. 15.) Special attention is given to a number of vulnerable groups and to specific challenges, like digital literacy and access to the housing market.
- An integrated approach. What happens if the system stalls? (See: *Integrated approach: when the system stalls*, p. 23.) Issues discussed are decentralisation, people with multiple problems, the 'citizen's perspective', coordinator roles and mentoring.
- Participation and protection mechanisms. How can members of the public be involved in decision-making and how can they assert their rights? With regard to the last point, consideration is given to issues like transparency, reporting offices, complaints procedures and access to justice. (See: *Participation and protection: asserting your rights*, p. 33.)

All three sections have the same paragraph structure: problem definition, vision and points for action.



## 2. Inclusion: a society that embraces all people

### **Problem definition**

Access to public services is a key principle in fulfilling and protecting human rights in the Netherlands. In this, it is vital that government always takes account of the *human dimension*. This can be difficult, as society and public bodies are becoming more and more complex. This is evident in many domains.

People's experience of public service delivery is often that there is a lack of support. For instance, the government has digitalised many services in recent years, based on the notion of the self-reliant individual. Yet self-reliance cannot be expected from everyone. Some people need support in order to live independent lives.

With regard to accessibility of services, certain groups of people are especially vulnerable, like people with disabilities. Support, even if available, is not always easily accessible. People may be told that they have come to the wrong organisation or they may be referred to another organisation without any follow-up. This can make people feel they are being sent from pillar to post. In cases like this, there is no clear point of contact or helpdesk that can genuinely help people solve their problems.

### **Vision**

To enable everyone to participate in society, the government tries to keep the threshold to public services as low as possible. The government strives to make services easy for people to find, so that everyone knows where they can turn to for support and assistance. The government is also working on more uniform communication with members of the public, including single points of contact. Finally, the government is investing heavily in domains like the housing market, where accessibility is especially problematic.

Besides addressing general themes, the government is also focusing on specific vulnerable groups, seeking to improve and intensify individualised support for those who need it. Ongoing digitalisation, for instance, demands that extra support and alternatives are available for people who lack adequate digital skills. Other groups that have difficulty accessing the right services include people with debts, homeless people and people with disabilities. They can also count on extra support.

## Points for action

### Accessible points of contact

The government provides myriad services. Individuals generally access these services through a physical or digital point of contact. People's ability to find these points of contact and the level of customer support they provide are key determinants of the accessibility of these public services. The government will therefore focus efforts on accessible organisations and 'one-stop shops' for public services.

**As of 1 July 2019, there are Digital Government information desks in 15 public libraries around the country. Here, people with poor digital literacy can get general information about public services like housing benefit, unemployment benefit, old-age pension and child benefit, as well as information about healthcare, fines and obtaining a medical certificate if they are older than 75 and need to renew their driving licence.**

Action	Time Period	Actor
The government will open more Digital Government information desks across the Netherlands.	2020 and 2021	Ministry of the Interior and Kingdom Relations

**'The Right Desk', a helpdesk for information and advice on long-term care, was set up in 2014 with a view to helping people understand the many rules and regulations pertaining to chronic care, thus improving access to this form of care. The helpdesk is intended for people who need care and their relatives as well as care professionals, and can provide answers to questions about the Chronic Care Act (WLZ), the Youth Act (JW), the Social Support Act (WMO) and the Health Insurance Act (ZVW). Services provided under these acts include youth care, care for people with advanced dementia and care for people with a severe intellectual, physical or sensory disability.**

Action	Time Period	Actor
The government will continue 'The Right Desk' in 2020 and 2021 to ensure good information provision for people who have questions about access to, applying for and arranging long-term care.	2020 and 2021	Ministry of Health, Welfare and Sport

**There should be a one-stop shop for people in the Caribbean Netherlands for all public bodies or services they may need to access. People should not experience any obstacles due to the way roles are divided or services implemented.**

Action	Time Period	Actor
Key steps are being taken in Bonaire to set up a one-stop shop. The Public Body of Bonaire and the Ministry of Social Affairs and Employment are setting up a job centre, bringing all actions, services and information concerning employees, job seekers and employers under one roof. When the centre is up and running, it will also become a point of contact for other services.	To be decided	Ministry of the Interior and Kingdom Relations



**The government is also striving to improve service provision to Dutch nationals abroad and non-Dutch nationals who have dealings with the Dutch government.**

Action	Time Period	Actor
The International Desk is being transformed into a one-stop shop for the one million Dutch nationals who live abroad. The desk's main tasks will be providing information and answering questions. It will use the existing Ministry of Foreign Affairs public communications infrastructure: the website <a href="http://www.nederlandwereldwijd.nl">www.nederlandwereldwijd.nl</a> / <a href="http://www.netherlandsworldwide.nl">www.netherlandsworldwide.nl</a> and the 24/7 BZ Contact Centre.	2020 and 2021	Ministry of Foreign Affairs

### People with disabilities

At least two million people in the Netherlands have a physical or intellectual disability. Depending on the nature and severity of their disability, simply taking part in society can be anything but simple. Accessibility is a key concept for people with disabilities, and can refer to social and physical thresholds as well as access to services. In 2016 the Netherlands ratified the UN Convention on the Rights of People with Disabilities. To implement it the government, in consultation with a wide range of stakeholders, launched the programme 'Onbeperkt meedoen!' ('Unlimited participation') in 2018. It focuses on the care needs of people with a physical, intellectual and/or visual disability and of people with chronic disease, and sets out practical steps in seven domains (built environment and housing; work; education; transport; participation and accessibility; care and support; and central government organisation) to make an inclusive society a reality. It is not only central government that is working to implement the UN Convention. Other administrative bodies are also informing stakeholders about the convention and getting them behind it. Stakeholders include employers (through the Confederation of Netherlands Industry and Employers (VNO/NCW) and Royal Association MKB-Nederland), municipalities (through VNG, the Association of Dutch Municipalities) and people with lived experience (through the Dutch Alliance for Implementing the UN Convention).

Besides this programme, the government has also commissioned an interministerial review of policy for people with mild intellectual disabilities (MID). In the Netherlands, this group comprises over one million people. They have IQs between 50 and 85 and, according to the review, are heavily dependent on public services. Due to their cognitive limitations, however, they have great difficulty using services. At the same time, there is so much variation in the personal circumstances and needs of people in this group, that it is hard to cover everything in standard rules and protocols. Existing, generic policy must therefore be combined with an individualised approach, focusing on inclusion rather than reaching specific target groups. The government endorses the review's proposed agenda. To ensure that new and existing initiatives tie in better with the needs of people with MID, they will incorporate the review's recommendations on appropriate communication, better-trained professionals, integrated support, prevention and clear government policy on access to services.

**Various actions will be taken in 2020 to implement the UN Convention on the Rights of People with Disabilities.**

Action	Time Period	Actor
Developing uniform standards on access to buildings; improving the transition from school to the labour market; a dialogue on more inclusive education; a bill allowing trials with early voting and voting assistance for voters with an intellectual disability; and improving digital accessibility of the newest government websites and apps.	2020	Ministry of Health, Welfare and Sport

**The association of Dutch Municipalities (VNG) is implementing a project entitled ‘Iedereen doet mee!’ (‘Everyone’s in’), which raises awareness of the UN Convention within municipal organisations and translates the Convention’s objectives into concrete policy and action plans by means of local inclusion agendas.**

Action	Time Period	Actor
VNG aims for: (1) 90% of all municipalities to be aware of the UN Convention; (2) 75% of municipalities to have achieved or work on the development of a local inclusion agenda.	Between now and end of 2021	Association of Dutch Municipalities (VNG)

**In the Netherlands, there are special schools that provide appropriate education for children with severe disabilities. The UN Convention stipulates that a gradual shift needs to be made towards more inclusive education. To this end, the government has made it a priority since 1998 to encourage greater participation of children with disabilities in mainstream education.**

Action	Time Period	Actor
The Appropriate Education Act will be reviewed in the first half of 2020. Inclusive education will be a major theme in this review.	2020	Ministry of Education, Culture and Science
A pilot scheme for collaboration between mainstream and special education will be extended and expanded at the request of stakeholders in the education field. This will enable more schools to enter into comprehensive partnerships and remove barriers between mainstream and special education.	From 2020/2021 school year	Ministry of Education, Culture and Science

**Counselling and coordinated care are available for students in secondary vocational education (MBO), but those who need it do not always find their way to this support. The Minister of Education, Culture and Science, the students’ association for secondary vocational education (JOB) and the Secondary Vocational Education Council are discussing how these services could be made easier to find and, if necessary, improved.**

Action	Time Period	Actor
A ‘Simple Switch’ implementation manual is being written for municipalities. The final report on the programme and the government’s response to the report will be published simultaneously in early 2020.	2020	Ministry of Education, Culture and Science

**For many people, personal development is something they achieve on their own. Others need support to a lesser or greater degree. The ‘Simple Switch’ programme launched in spring 2018 helps people enter the labour market, with the option of reverting to their benefit should the job not work out.**

Action	Time Period	Actor
A ‘Simple Switch’ implementation manual is being written for municipalities. The final report on the programme and the government’s response to the report will be published simultaneously in early 2020.	Early 2020	Ministry of Social Affairs and Employment

### Example of good practice

- The European Agency for Special Needs and Inclusive Education, in which most EU member states are represented, has been working to promote inclusive education since 1996. To this end it conducts various activities, including Country Policy Review and Analysis (CPRA). The Netherlands will use the findings of the CPRA to learn how legislation could be amended in order to make education more inclusive and take appropriate steps. The CPRA recommendations will be published in February 2020.

### Digital inclusion

One of the biggest transitions taking place in all parts of society today is digitalisation. The public's dealings with the government also increasingly go via digital channels. This may have negative effects for people with disabilities. As from 2018, the government is required by law to improve access to its websites and mobile apps for people with disabilities, pursuant to the EU Web Accessibility Directive. Digitalisation also affects the degree to which people with limited digital skills can access public services. The government is taking measures to provide support and alternatives where necessary.

**Public authorities should put people's interests first, including when services are provided digitally. This can be achieved by taking account of a wider range of needs when developing digital services, and providing a helpdesk or assistance with filling in digital forms.**

Action	Time Period	Actor
A duty of care to support people in their dealings with the government will be included in the General Administrative Law Act (AWB). This will require every public body to provide appropriate assistance to individuals in dealing with or using its procedures and services.	To be decided	Ministry of the Interior and Kingdom Relations

**Poor literacy is a major obstacle to accessing digital services. The government's literacy action programme ('Tel mee met Taal') steps up efforts to prevent and reduce functional illiteracy. Besides reading and writing the programme also focuses on improving numeracy and digital skills for using computers and smartphones.**

Action	Time Period	Actor
The duration of the 'Tel mee met Taal' programme for people with functional illiteracy has been extended.	2020-2024	Ministry of Education, Culture and Science

**Sometimes people need to appoint someone to act on their behalf in order to gain access to services. This can be done by issuing a digital authorisation.**

Action	Time Period	Actor
Delivery of a better, simpler version of DigiD authorisation. This will enable individuals to authorise someone else to act on their behalf in dealings with all public services.	From 2020	Ministry of the Interior and Kingdom Relations
Information about authorisations will be stored in one central database, making the agencies more easily accessible to legal representatives. At the end of 2019 a major pilot project will be launched in the healthcare sector concerning power of attorney in parent-child relationships. From 2020, the scope for exercising digital power of attorney will be expanded.	From 2020	Ministry of the Interior and Kingdom Relations

### Examples of good practice

- The State Secretary for the Interior and Kingdom Relations commissioned the development of a toolkit to help public bodies better assist people who make unintentional errors in their digital communication with the government. The toolkit was developed in the framework of the government programme to reduce regulatory burden and clarifies the scope offered by the General Administrative Law Act (AWB) for improving support to individuals with limited digital skills in their dealings with the government.
- There are numerous examples of digital support in specific policy areas too. In 2018, for instance, the Ministry of Economic Affairs and Climate Policy established the Digital Trust Center, which aims to help Dutch entrepreneurs conduct their online business safely. Entrepreneurs can get practical information and advice at [www.digitaltrustcenter.nl](http://www.digitaltrustcenter.nl). In addition, a Digital Trust Community will be launched at the end of 2019: an interactive online community for sharing knowledge about staying safe when doing business online.

### Access to the housing market

There are major shortages on the Dutch housing market, which naturally affects the accessibility of public services in this domain. Inadequate housing supply hampers household mobility, and this sometimes leads to extreme situations. It is especially important that people in vulnerable situations get extra support in finding decent housing. The government is taking various measures to tackle different aspects of the housing shortage. Major investment in a housing construction programme could accelerate the development of affordable homes in attractive neighbourhoods.

### Close attention will be given to retaining affordable housing stock in the current supply of rental housing, and to a better distribution of (and thus better accessibility to) the available supply.

Action	Time Period	Actor
The government will give less weight to the value of immovable property (WOZ) in calculating rents for social housing. The government will also tackle the frequent discrepancy between household income bracket and rent paid ('scheefwonen'), and give housing corporations more freedom to develop local solutions with regard to local market conditions.	From early 2020	Ministry of the Interior and Kingdom Relations
The government will introduce a differentiated income ceiling to determine eligibility for social housing based on household type. Housing corporations are currently allowed to allocate a certain percentage of their housing to people who do not fall into their primary target group. Local policy can apply this margin to promote differentiation among households.	From 2019	Ministry of the Interior and Kingdom Relations
Additional social housing will be built in Bonaire, St Eustatius and Saba. Central government will contribute to its construction and maintenance, and to the necessary infrastructure.	From 2019	Ministry of the Interior and Kingdom Relations and the Public Bodies of Bonaire, St Eustatius and Saba

**Housing benefit, which covers part of the rent, is a key instrument in keeping housing accessible for people with low incomes.**

Action	Time Period	Actor
As of 2020 the current income ceilings for housing benefit will be abolished so that people with higher incomes may also be eligible for this benefit.	2020	Ministry of the Interior and Kingdom Relations

**Travellers have specific housing needs that are protected by human rights. In 2018 the Minister of the Interior and Kingdom Relations informed parliament and municipal authorities that local policy on sites for travellers must take account of these specific needs. Municipalities must also ensure that travellers are allocated a pitch within a reasonable period of time. Municipalities need time to amend their policy and some need extra support to achieve this.**

Action	Time Period	Actor
The Ministry of the Interior and Kingdom Relations has asked Platform 31, a knowledge and networking organisation, to set up a training and knowledge-sharing programme for municipal staff involved in policy on sites for travellers. The programme began in September 2019 and will be concluded in the summer of 2020. The results will be shared with all municipalities.	2019-2020	Ministry of the Interior and Kingdom Relations

**Housing discrimination is a serious problem that greatly impedes access to the housing market for certain groups of people. Radboud University has conducted in-depth research into this problem.**

Action	Time Period	Actor
Private-sector landlords and rental agents are being involved in the development of a method to avoid discrimination when selecting potential candidates for rented accommodation. Possible solutions will be tried out in the course of 2020.	2020	Ministry of the Interior and Kingdom Relations
The government will explore the scope for using 'mystery client' surveys to identify and tackle housing discrimination in the rental market. It should also increase awareness of and help prevent the problem. Rental agents who are caught out by this test can be held to account by their professional association.	To be decided	Ministry of the Interior and Kingdom Relations
Greater public awareness will encourage people to report possible cases of housing discrimination.	To be decided	Ministry of the Interior and Kingdom Relations

### Homeless people

The estimated number of homeless people in the Netherlands has increased significantly in recent years: from 30,500 in 2016 to 39,300 in 2018.<sup>12</sup> The government acknowledges that this is a major human rights issue and is working with municipalities and other stakeholders, particularly at local level, to turn the tide. Homeless people must have access to the services they need as well as appropriate support in all areas of life. Prevention, housing, social work and debt counselling must be integrated into a single coherent approach tailored to the individual in question. Other government programmes aimed at significantly reducing homelessness are the Multiannual agenda on community shelter services and assisted living ('Meerjarenagenda Beschermd Wonen en Maatschappelijke Opvang') and the Action programme for homeless youth ('Actieprogramma Dak- en Thuisloze Jongeren') which was launched in 2019. In the latter programme each action will be implemented together with young people who used to be or are currently homeless, assisted by one youth work coordinator. Progress will be monitored by a youth panel.

<sup>12</sup> Statistics Netherlands, 'Aantal daklozen sinds 2009 meer dan verdubbeld' ('Number of homeless people has more than doubled since 2009'), 23 August 2019, see: <https://www.cbs.nl/nl-nl/nieuws/2019/34/aantal-daklozen-sinds-2009-meer-dan-verdubbeld>.

Action	Time Period	Actor
The government will present a plan to parliament on tackling homelessness ('Plan Terugdringen Dakloosheid'), aimed at significantly reducing homelessness in the years to come. The plan will focus on creating extra assisted living places where formerly homeless people can build a life for themselves that is as independent as possible. Ultimately they should be able to transfer to regular housing.	From late 2019	Ministry of Health, Welfare and Sport

**Eligibility for certain public services, notably access to certain care services and waiting lists for social housing, is conditional on registration in the Personal Records Database.**

Action	Time Period	Actor
An amendment to the Personal Records Database Act is being drafted that will make it mandatory for municipalities to register people under their fixed address or, if they do not have a home, under a correspondence address. Municipalities were already required to register all people living within its boundaries but the amendment clarifies this obligation.	2021	Ministry of the Interior and Kingdom Relations



### 3. Integrated approach: when the system stalls

#### **Problem definition**

The Netherlands has a very extensive system of public services, which means there are many opportunities for contact with and support from public authorities. At the same time, as is clear from various stakeholder consultations and reports (see: *Relevant reports*), this multitude of different services can also mean that people can no longer see the wood for the trees.

Some years ago, many tasks previously carried out by central government were delegated to local authorities, which would be able to deliver more tailor-made services. As a result, differences may arise in service delivery between central and local authorities as well as among local authorities themselves. It also means that people with the same needs may have to go through different procedures depending on the authority they have to deal with, and they cannot assume that everyone gets the same level of service regardless of location. There are, however, upper and lower limits to the level of service delivery and differences within an acceptable range must be explainable and understandable.

The system's complexity is also due to the design of policy and legislation being based on an approach focusing on the system (taking the government's capacity and budget as the starting point) rather than on the question of what people actually need (*'burgerperspectief'*, or the *citizen's perspective*). The more problems a person has, the more complex the system they have to deal with. Different services can even conflict with each other, so that using one service can cause a person to lose their entitlement to another service.

#### **Vision**

Human dignity should be the guiding principle in designing and implementing policy and legislation. A system's complexity should never prevent people from getting the assistance they need.

People with multiple problems can become mired down in the system of public services. The government is examining how best to help this group, for instance by strengthening coordination of the different services.

The government is working on an integrated approach that joins up many different domains. Keeping an overview and ensuring close cooperation between the bodies involved can overcome departmentalised and system-focused thinking. The government will also strive to adopt the citizen's perspective as its starting point for new and current policy.

### Points for action

#### Decentralisation

Decentralisation offers scope for tailor-made, local solutions. At the same time, it is important that services meet minimum standards. Human rights-based thinking could be used to achieve this, as it offers a framework for human dignity that includes minimum standards. The government will strive to adopt an integrated approach, particularly in the social domain. This will require the various ministries and municipal authorities involved to work with each other and with other relevant organisations, such that they act as a single government in their dealings with members of the public. To this end, agreements were recently made between central government, municipal and provincial authorities and regional water authorities on tackling major societal challenges through a joint administrative programme. Examples of societal challenges identified are 'preventing and resolving problematic debts', 'futureproof housing' and 'better quality of life in the social domain'. This last challenge has been divided into 12 themes which together form the Social Domain Programme. Actions formulated for each theme must be concluded by 2021 and concern, among other things, assistance for older people and people with disabilities so they can continue living at home; alleviating loneliness; and the needs of young people who are unable to live fully independently.

**Municipalities are often the first point of contact for people in their dealings with the government. In recent years municipalities have acquired a large number of extra tasks which must be implemented in accordance with human rights policy. To this end, some municipalities have drafted their own human rights strategies or taken other action to safeguard human rights.**

Action	Time Period	Actor
In 2020 the Ministry of the Interior and Kingdom Relations will set up a human rights platform for municipalities for the duration of at least one year. It can be used to bring local strategies and other initiatives together, share best practices and clarify minimum standards.	2020-2021	Ministry of the Interior and Kingdom Relations

**In order to provide tailor-made support and achieve an integrated approach in the social domain, different public authorities need to work together. This sometimes requires that they also exchange personal data about the individuals concerned. There are currently a number of obstacles to this. In 2020 work will be done to provide a sound legal basis for the exchange of personal data in the context of municipalities' integrated approach, one which must also safeguard people's right to privacy.**

Action	Time Period	Actor
By the end of 2020, the government will introduce a bill improving the legal framework for the processing of personal data in an integrated approach for individuals with multiple problems.	End of 2020	Ministry of the Interior and Kingdom Relations



On 4 October 2019 the government presented its response to the interministerial policy review on young people with a labour market disadvantage. It concerns young people who are not in education, who are not economically independent, but who are able to work. Current policy does not adequately address this group, in part because the different authorities involved do not employ an integrated approach and often overestimate the extent to which some of these young people are self-reliant. The government wants all authorities to have a good overview of all young people with a labour market disadvantage in the 16-27 age group (*Jongeren met afstand tot de arbeidsmarkt in beeld*).

Action	Time Period	Actor
The government will launch additional actions to step up assistance for young people with a labour market disadvantage. This includes clarifying the coordination role for municipalities; identifying and keeping an eye on young people in need of guidance; and more scope for tailor-made solutions. Proposals are due to be presented in 2020. Legislative amendments and a monitoring system could enter into force in 2023 at the earliest.	2020-2023	Ministries of Education, Culture & Science; Social Affairs & Employment; the Interior & Kingdom Relations; Justice & Security; Health, Welfare & Sport

The care sector is made up of myriad organisations and bodies. The government sets store by effective cooperation so that care professionals and organisations can continue to provide a well-coordinated range of care, assistance and social support. The Ministry of Health, Welfare and Sport will work with other stakeholders to explore how the organisation of the Dutch care system could and should be strengthened in order to facilitate care partnerships and ensure that regional demand for care can be met now and in the future. The findings will be presented in an outline document.

Action	Time Period	Actor
Before summer 2020 the Minister of Health, Welfare and Sport will present an outline of what is needed in order to improve the organisation and affordability of care and prevention. This review will also examine the legislative scope for a coherent multidisciplinary approach and adjustments that may be necessary.	2020	Ministry of Health, Welfare and Sport

'The Right Care, in the Right Place' ('Juiste Zorg op de Juiste Plek') is a joint initiative by parties in the domains of care and social support. It focuses on supporting people in their day-to-day lives by organising care closer to home and using smart tools like e-health, thus avoiding the need for more costly care solutions.

Action	Time Period	Actor
The Ministry of Health, Welfare and Sport wants to accelerate and expand this initiative, through multiple grant programmes. Examples of good practice are shared once a week on the website <a href="http://www.dejuistezorgopdejuisteplek.nl">www.dejuistezorgopdejuisteplek.nl</a> and on the initiative's LinkedIn profile.	Until the end of 2021	Ministry of Health, Welfare and Sport

Help should always be given as quickly as possible to a vulnerable child in need. Emergency care should be available if care tailored to the child's needs is not immediately available. It is important to develop regional solutions to regional waiting lists and waiting times for youth care. To that end, the Ministry has reached agreement with the regional youth care organisations on tackling waiting times and improving communication about this to children and their families. These agreements are laid down in a programme entitled 'Zorg voor de Jeugd' ('Care for Youth').

Action	Time Period	Actor
Ten regions have drafted transformation plans, pledging to reduce waiting times for youth care that are so long that they can damage children's wellbeing. Each region has made an inventory of the forms of youth care available ('social support map'). Municipalities ensure the information is updated regularly. The social support map will be developed further.	2020	Ministry of Health, Welfare and Sport

As a result of the devolution of chronic care in 2015 and the associated legislative amendments, care for people with severe psychiatric disorders is now provided on the basis of the Social Support Act 2015 (WMO 2015) and the Health Insurance Act (ZVW). However, the care provided under these acts does not tie in with the needs of the roughly 10,000 people who need permanent supervision or lifelong round-the-clock care. The provisions of the Chronic Care Act will therefore also become accessible to people with severe psychiatric disorders from 2021.

Action	Time Period	Actor
Parliament has passed a bill submitted by the State Secretary for Health, Welfare and Sport that will entitle people with severe psychiatric disorders to care under the Chronic Care Act (WLZ) provided they meet the WLZ criteria. The government is aiming for the amendment to come into force on 1 January 2020.	2021	Ministry of Health, Welfare and Sport

### Examples of good practice

- A social domain programme has been set up to resolve dilemmas and remove obstacles at local level so that vulnerable people can get the support they need. The programme ([www.programmasociaaldomein.nl](http://www.programmasociaaldomein.nl)) will run until the end of 2021 and is a good example of an integrated approach. It comprises 16 courses of action, in which local and central authorities tackle themes like creating opportunities for young people; developing simple, tailor-made solutions for people with multiple problems; improving support for people with mild intellectual disabilities; creating basic assistant jobs in the care sector for people with a labour market disadvantage; and ensuring privacy in the exchange of personal data. Operating as a single government in the social domain approach combats departmentalism and enables solutions to be shared with other municipalities.
- The Bonaire Administrative Agreement and the Saba Package are both administrative agreements, signed by central government and the public bodies of Bonaire and Saba, respectively, in which they pledge to work together on issues that are important to island residents. The Bonaire Administrative Agreement, for instance, announces more effective poverty reduction efforts and improvements to the social housing supply, roads and childcare. The Saba Package also focuses on combating poverty and improving the social services system.

### Multiple problems:

The complexity of the public services system becomes a bottleneck for people facing several different problems simultaneously that may even exacerbate each other. For instance, when someone's power is cut off because they haven't paid their energy bill, existing health issues might deteriorate. Multiple problems can also arise when the various organisations providing care aren't certain who does what and who is paying for what. This can cause delay and cause problems to escalate. The government wants to break such negative spirals.

**Tackling multiple problems demands an integrated approach, with close cooperation and sharing of information and good practice between all the actors involved. Various studies are currently being conducted into such an approach, including pilot projects.**

Action	Time Period	Actor
Under the consultative committee of administrative parties in the criminal justice system (Bestuurlijk Ketenberaad), three regions will test a new way of dealing with criminal cases where the individual concerned has multiple problems. The pilots in the central North Brabant and Rotterdam regions have already started, with the Eindhoven region following early next year.	2020-2022	Ministry of Justice and Security
The Ministry of Justice and Security is funding doctorate research by Erasmus University into management and coordination in criminal cases where the individual concerned has multiple problems. The research should lead to three academic publications, the first of which is due to appear in 2020.	2020-2022	Ministry of Justice and Security

**The government believes that municipalities should offer effective support to people who are themselves unable to get the help they need to deal with their complex problems. To this end, there must be clear rules on who has the power of intervention, so that there is always one party that can take the lead and force a breakthrough when matters become deadlocked. For issues relating to education and youth care, local or regional escalation contacts will be put in place that families can contact when the necessary services are not delivered.**

Action	Time Period	Actor
A bill is being drafted that will oblige municipalities to designate which party should take the lead and intervene in cases relating to education and youth care. The bill will be submitted for consultation in 2020.	2020	Ministries of Health, Welfare & Sport and Education, Culture & Science

### Example of good practice

- A comprehensive exploratory study was carried out into how professionals in the social domain could be given more freedom to use their professional expertise in helping with multi-problem households. More scope for professionalism in these cases is also the goal of the Central Government Programme on Tailor-made Support for Multi-problem Households. These are typically complex cases requiring an urgent solution that cannot be found at local level, for instance because regulations stand in the way of an appropriate solution. By making it easier for social workers to navigate through the system, it is possible to avoid escalation and the disproportionate impacts of taking a series of separate measures. In this project, several ministries are working jointly with municipalities to make various interventions possible, including the power to call a time-out, national policy to deviate from procedures, and a transitional procedure.

### People with debts

The government acknowledges that it can be difficult for people with debts to gain access to the services they need. This is necessary, however, to ensure their right to a decent standard of living. Various measures are therefore being taken to help people with debts take action themselves to find assistance, with extra support available where necessary. For instance, the government is implementing a Broad Action Plan on Debt jointly with some 35 parties that have a role in preventing or resolving debts. Municipalities have a duty to help people with debts. Central government supports them in this with knowledge and professional development programmes (e.g. 'Schouders eronder' and 'Vakkundig aan het werk').

**The Broad Action Plan on Debt aims to improve prevention, for instance through early identification of payment arrears, which can be resolved using data exchange and psychological expertise.**

Action	Time Period	Actor
The Municipal Debt Assistance Act will be amended to facilitate the exchange of data, with a view to early identification of debt problems. The amendment will enable municipalities to offer help before people have to ask for it. This can prevent problems from snowballing and leading to, for instance, eviction. The government acknowledges that use of personal data could be in conflict with privacy, and that privacy rights should be guaranteed.	Due in 2020	Ministry of Social Affairs and Employment

**The Central Judicial Collection Agency (CJIB) uses the quadrant model to contact people with debts effectively and in a socially responsible manner.**

Action	Time Period	Actor
CJIB is also testing data analysis methods to identify early signs of debt, such as Debt Alert. It acknowledges that use of personal data could be in conflict with privacy, and that privacy rights should be guaranteed.	2020	Ministry of Justice and Security

**Volunteer organisations play a major role in the debt counselling domain. Municipalities and, often local, volunteer organisations are already working closely together in many cities and towns across the country.**

Action	Time Period	Actor
To boost service delivery by volunteer organisations, the Alliance of Volunteer Organisations has been awarded a grant to establish a national network of volunteer projects, enabling long-term cooperation and the deployment of skilled volunteers.	Due in 2020	Ministry of Social Affairs and Employment

The Attachment-exempt Amount (Simplification) Act will provide for a simpler method of calculating the attachment-exempt amount. The attachment-exempt amount is the minimum amount of money that people must be left with so that they are able to support themselves ('essential costs of living'). Bailiffs may not include this amount in any attachment of earnings order. The current method to establish the attachment-exempt amount is very complicated and depends on information that can only be provided by the debtor. The new method provides for automatic collection of the necessary information. In anticipation of the Act's coming into force, various provisional measures have been introduced to help people in the short term, for instance to prevent the lowest attachment-exempt amount being used as a rule for multiple attachments.

Action	Time Period	Actor
The Ministry aims for the Attachment-exempt Amount (Simplification) Act to come into force on 1 January 2021.	2021	Ministry of Social Affairs and Employment

### Example of good practice

- A public campaign to break the taboo on debt ('Kom uit je schuld' ('Be open about debts')) was launched on 27 May 2019. It encourages people to talk about their debts with those around them. Seven people with debts agreed to become ambassadors for the campaign and talked openly about their debt problems. This proved to be the first step towards finding a solution. They came into contact with the right organisations and eventually managed to get back on their feet – sometimes after a long struggle. The campaign inspires people to talk about financial problems sooner, and seek help faster. The ambassadors' stories are told on [www.komuitjeschuld.nl](http://www.komuitjeschuld.nl). People with debts can also get information about debt counselling and assistance on the website, as well as a phone number to contact in their municipality.

### Coordinators and mentors

The government aims to strengthen the roles of coordinators and mentors who can help people find their way to the services they need. These forms of counselling are used in integrated approaches aimed at helping people with multiple problems, as described above, as well as in other areas.

Youth mentoring is provided in various parts of the Netherlands. One scheme is called Youth-Initiated Mentoring (YIM), where an adolescent asks a family member, friend or acquaintance to be their informal mentor. The mentor is the adolescent's confidant and spokesperson, and can also help with getting access to appropriate services. Nearly a quarter of the 42 youth care regions are planning to adopt this mentoring scheme or will explore the idea, supported by the Care for Youth support team.

Action	Time Period	Actor
Research is being conducted, as part of a programme on effective youth care, into the long-term effects of informal mentoring, in particular whether this form of mentoring has lasting effects and what role the informal mentor has in this. The research results will be published in 2020.	2020	Ministry of Health, Welfare and Sport

**In the education domain a coordinator will be assigned to children who need extra support. In many cases the coordinator will be a family and youth care coordinator. Sometimes, children are assigned a coordinator in the framework of a regional programme to prevent school dropout, like the ‘plus coach’ in The Hague region.**

Action	Time Period	Actor
A new four-year programme will start from the 2020/2021 school year aimed at preventing and combating dropout, and monitoring vulnerable young people. Funds may again be used to offer a ‘plus’ service that combines education and social care.	2020-2024	Ministry of Education, Culture and Science

**Appropriate education counsellors are another example of coordination or mentoring in education. These counsellors can help find solutions for pupils who have been suspended or need appropriate education. They can also make arrangements for a pupil who has been at home for at least four weeks and for whom no appropriate place at a school can be found in the short term. Pupils, parents, school attendance officers, schools, institutions, and appropriate education partnerships can request advice on a specific case from an appropriate education counsellor.**

Action	Time Period	Actor
Appropriate education counsellors give independent advice on appropriate educational provision for individual pupils with special needs. The counsellors are being funded through a grant from the Ministry of Education, Culture and Science and the Ministry of Health, Welfare and Sport until the end of the 2022/2023 school year.	Until end of 2022/2023 school year	Ministries of Education, Culture & Science and Health, Welfare & Sport

**People in vulnerable situations and their families often have problems in arranging appropriate care and support. Not everyone can successfully find their way through all the different organisations and schemes. Independent client support workers act as guides in helping people get access to care and support. Since 2015 the services of client support workers have been free under the Social Support Act and the Chronic Care Act. In summer 2018 the Ministry of Health, Welfare and Sport sent parliament its strategy for boosting the client support system.**

Action	Time Period	Actor
Client support is a municipal task. There are now 28 municipalities and partnerships between municipalities in two regions (Oosterschelde and Twente) that, as frontrunners in this area, are working hard to develop strong local policy for the client support role, which can inspire other municipalities to follow suit. The frontrunners’ programme will be continued. In 2020 an additional 12 to 20 municipalities will be selected, so that by 2021 a large number of municipalities will be working to improve client support at local level.	2020-2021	Ministry of Health, Welfare and Sport

**Jointly with other parties the Ministry of Health, Welfare and Sport is implementing the programme ‘Volwaardig Leven’ (‘Living a full life’), which aims to improve access to disability care and care for people with complex care needs, based on the Chronic Care Act.**

Action	Time Period	Actor
In 2020 care administration offices will set up regional peripatetic teams that will augment the regular care provided to people with complex care needs. An extra 100 places for appropriate care will be created in 2020 for the most difficult cases. In addition, specialised client support will be available for a period of two years for 450 people with disabilities who experience major problems in organising and arranging care.	2020-2022	Ministry of Health, Welfare and Sport

*The citizen’s perspective as guiding principle:*

The government agrees that the starting point in drafting and implementing policy and legislation should be the question of what individuals need – the citizen’s perspective (‘burgerperspectief’). This can help reduce the system’s complexity and improve access to public services for members of the public.

According to the 2017 report ‘Weten is nog geen doen’ (‘Knowing is not the same as doing’) by the Scientific Council for Government Policy, people’s capacity for action is just as important as their cognitive capacity in being able to keep pace with the demands of today’s participation society (see *Relevant reports*). In its response<sup>13</sup> to that report, the government announced that it wants to draft and implement policy and legislation that is always in line with a realistic citizen’s perspective, that it will seek to tie in better with the capacity for action of the individuals affected by government policy and that policy will be informed to a greater extent than in the past by scientific knowledge on human behaviour. Several ministries are represented in the interministerial commission on implementation, which is discussing an implementation approach. People’s capacity for action plays a role in these discussions, as well as the communication between the government and individuals, and the ambition to resolve problems in this relationship

**Many people have trouble understanding texts written by public authorities. Unclear writing can result in people not understanding what services are available and how they could apply to them. This prevents them from using public services effectively. Accessible services are conditional on accessible language.**

Action	Time Period	Actor
The Ministry of the Interior and Kingdom Relations has started a campaign on using plain language (‘Direct Duidelijk’) aimed at Dutch public authorities. In 2020 the project team will help public officials across the country rewrite at least 1,000 texts to make them easier to read and understand.	2020	Ministry of the Interior and Kingdom Relations

<sup>13</sup> Parliamentary Papers, House of Representatives 2017/18 session, 34775 VI, no. 88, see: [https://www.tweedekamer.nl/kamerstukken/brieven\\_regering/detail?id=2018Zoo849&did=2018Do1790](https://www.tweedekamer.nl/kamerstukken/brieven_regering/detail?id=2018Zoo849&did=2018Do1790).

The Integrated Assessment Framework for Policy and Legislation (IAK) sets out mandatory quality standards that must be met when drafting policy and legislation. A key issue that policymakers and lawmakers must take into account is the ‘user-friendliness’ of the policy or legislation concerned. Human rights and the necessity of complying with the Constitution and with higher law are also important considerations.

Action	Time Period	Actor
HThe Ministry of Justice and Security is increasing knowledge about and use of the IAK through training and workshops. It will also update the IAK and the flyer explaining how the IAK can be used (see also (Dutch only): <a href="http://www.naarhetiak.nl">www.naarhetiak.nl</a> ).	From 2019	Ministry of Justice and Security, in cooperation with all central government ministries (the Ministry of the Interior and Kingdom Relations is responsible for protecting human rights)

### Examples of good practice

- Since 2016 the Social Insurance Bank (SVB) has periodically held multidisciplinary workshops where the application of rules and regulations in complex cases is discussed. The workshops are in keeping with the SVB’s mission to focus on the goal rather than the system, in order to enlarge their social impact. The workshops offer staff from different divisions and organisations an informal opportunity to study one specific case from different perspectives. The focus is on cases where legislation, administrative rules or procedures have unintended disadvantages for the people for which they are intended. The ultimate goal is to cut unnecessary red tape and focus on providing people with quick and effective support.
- In another initiative, prisoners are given the opportunity to make a podcast about their life, intended for their social care providers. This way, the latter’s perception of the prisoner is also based on the prisoner’s own story and experiences, and not just on what is in their file. A study is being done into how telling and hearing the prisoner’s story of their life affects the relationship between the prisoner and the professionals involved, as well as the prisoner’s own self-esteem. The initial results are positive. Improving the quality of the treatment relationship appears to strengthen the prisoner’s reintegration process.





## 4. Participation and protection: asserting your rights

### **Problem definition**

The government is constantly working to ensure that basic services are available for people living in the Netherlands. In doing so, the government is not bestowing a favour. This is a right, laid down in writing. The government is obliged to ensure that people can assert these rights, and that requires effective access to these services.

Barriers to access are reinforced because people whose rights are at stake rarely have a voice in decision-making processes. As a result, public services and the associated administrative organisation are not geared to the intended users of these services (see *Inclusion: a society that embraces all people*). In other words, meaningful participation in decision-making processes is key.

Moreover, people do not always know where they can turn to for information, advice and help if they have a legal problem, or want to make a complaint about or share their experience of a certain service. Even if they do know which party to lodge a complaint with, people are not always confident that the procedure is independent or fear it will backfire on them. The government wants to end this situation.

### **Vision**

The government acknowledges that it is important for the various target groups to have a voice in decisions by means of participation procedures and is working to achieve this. Giving members of the public a say in how public services are designed will help ensure their accessibility. The government is also taking action to guarantee and further improve access to justice and complaints procedures. A number of actions to this end are described below. Some are already in progress, while others will start in the near future.

A person does not always need to go to court to assert their rights. The government recognises that access to justice begins with access to information, advice and assistance. The government will invest in accessible facilities at neighbourhood level where people can get information about their rights, as well as advice or assistance. These facilities will be located in places like libraries, community centres or town halls, which everyone can find and reach easily. The government will tie in with existing local initiatives where possible.

If people feel they have not been treated correctly, they should be able to lodge a complaint with a public service without encountering any obstacles. This means people must know where they should lodge their complaint, they must have confidence in the procedure followed and experience the procedure as fair. The government firmly believes that complaints are opportunities for improving service delivery.

If the problem has a legal aspect, the party seeking justice should receive legal support. Social support networks and other types of assistance should also be closely aligned, because in many cases problems – whether they are legal, social, financial or medical – are connected. Stronger networks and connections between, for instance, the social and legal domains make it easier for professionals in different fields to consult each other and for the different aspects of the individual’s problems to be dealt with by the appropriate professional. The result should be faster and better solutions, so that problems do not escalate and only the gravest disputes are brought before a court.

### Points for action

#### Participation in decision-making procedures

Involving various target groups in decision-making procedures can contribute significantly to policy effectiveness and ensure that accessibility needs for different groups are taken into account. The government sets great store by public participation and the outcomes of such procedures should be taken seriously.

**The government wants to set up a civic forum for young people – a youth parliament, in line with the advisory report of the National Commission on the Parliamentary System (see: Relevant reports). Its goal will be to increase young people’s interest in national politics and raise their voice in Dutch democracy.**

Action	Time Period	Actor
Het Ministry of the Interior and Kingdom Relations is in nauwe samenwerking met het Ministry of Health, Welfare and Sport en de Nationale Jeugdraad bezig met de voorbereidingen voor het opzetten van een jongerenparlement in 2020.	2020	Ministries of the Interior & Kingdom Relations and Health, Welfare & Sport

**The government wants to create clear conditions for participation procedures. This, too, is in line with the National Commission’s advisory report. People who do not have a clear understanding of the participation process and its effects might be less willing to provide input in such a process. Not having their input and creative ideas would be a real loss for the government in developing effective policy and legislation.**

Action	Time Period	Actor
The government will establish conditions that public participation procedures must meet. Specifically, the Prime Minister may issue instructions concerning participation processes, and clear communications about these processes will be distributed – digitally and on paper.	To be decided	Ministry of the Interior and Kingdom Relations

**The government wants to expand the reach of internet consultation for new legislation.**

Action	Time Period	Actor
The government wants to raise awareness of internet consultation and expand its reach through communication targeted at specific groups, both online and offline. Scope has also been explored for expanding the reach of <a href="http://www.internetconsultatie.nl">www.internetconsultatie.nl</a> via the 'Startup in Residence' programme part of the 'innovation in consultation' challenge.	From 2019	Ministry of Justice and Security

**In 2019 the Ministry of the Interior and Kingdom Relations organised the country's first national democracy festival. The purpose of the festival was to celebrate that we live in a country where everyone is allowed to voice their opinion and where choices are made together. Thousands of people from around the country attended – including politicians, representatives of civil society organisations and the business community – to discuss current societal issues and the future of The Netherlands.**

Action	Time Period	Actor
The democracy festival will become an annual event where people can get together in an informal setting to talk to each other and to politicians and civil society organisations, about social issues that are important to them.	From 2020	Ministry of the Interior and Kingdom Relations

**Education plays a major role in preparing young people for a role in society and enabling them to actively contribute to our democracy. Citizenship education is a compulsory subject in primary and secondary schools, including secondary vocational schools. Citizenship education teaches pupils about how society works, what their own rights are and that they should respect the rights of others.**

Action	Time Period	Actor
The Minister for Primary and Secondary Education is currently drafting a bill that aims to strengthen citizenship teaching in primary and secondary education. The bill introduces teaching objectives on the basic values of a country governed by democracy and the rule of law as laid down in the constitution and the universal human rights and fundamental freedoms. The bill will be submitted to parliament at the end of 2019. From autumn 2020 the new requirements will be incorporated into school syllabuses.	From 2020	Ministry of Education, Culture and Science

**An accurate personal records database of all residents promotes participation and is a prerequisite for more efficient and effective service delivery by the government.**

Action	Time Period	Actor
The personal records database of St Eustatius is being cleaned up for the purpose, among other things, of being able to compile an up-to-date electoral roll so that everyone who is entitled to vote can actually do so during elections. The personal records database also provides information to other public bodies so that they can implement their tasks.	From 2019	Ministry of the Interior and Kingdom Relations en Openbaar Lichaam Sint Eustatius

### Example of good practice

- The plans and decisions made by the Ministry of Infrastructure and Water Management often have a direct impact on people's surroundings. The Ministry values input from members of the public, the business community and organisations with regard to its projects, and encourages such input through the work of the Participation Directorate. As people can give their views orally or in writing, digitally or on paper, the directorate's staff are trained in various forms of public communication: in writing, by phone and in person, with special attention being given to language and manners. Another form of participation is a citizens' panel, such as during the preparation of the Policy Strategy on Use of the Underground Space (STRONG). Participants' comments about the panel included the following:

*"It's good that a cross-section of the population is involved in government decisions – supporters as well as opponents. It's positive that the policy strategy is a discussion paper. Participating in the citizens' panel was worthwhile."*

### Reporting centres and handling complaints

Anyone is entitled to lodge a complaint and the organisation that the complaint concerns is responsible for ensuring it is dealt with properly. There are also reporting centres for different types of specific complaints about how people have been treated by the government. The National Ombudsman or the municipal ombudsman deals with complaints on a wide range of subjects. The National Ombudsman also advises public bodies on how to handle complaints. Individual complaints about discrimination can be submitted to the Netherlands Institute for Human Rights. Supervisory bodies such as the Data Protection Authority also have their own reporting centres or complaint offices (see: *Supervisory authorities*).

**A major concern highlighted by the National Ombudsman is members of the public who get mired down by the system.<sup>14</sup> This concern will be addressed by the interministerial complaints network (comprising the complaint handlers and complaint coordinators at the ministries and at large government agencies).**

Action	Time Period	Actor
The interministerial complaints network will establish a project group that will develop an approach for dealing with cases where members of the public have become stuck in the system when dealing with two or more public bodies. The project group will also develop a broader strategy to act on the Ombudsman's concerns, based on the principle that central government should offer members of the public a good procedure.	2020	Ministry of the Interior and Kingdom Relations

<sup>14</sup> See: <https://www.nationaleombudsman.nl/nieuws/onderzoeken/2011025-behoorlijk-omgaan-met-schadeclaims> (Dutch only).

Dispute resolution should be made as simple as possible. The Minister of the Interior and Kingdom Relations has published a dispute resolution manual for municipalities.<sup>15</sup> Municipalities are encouraged to simplify dispute resolution by combining the procedures for lodging an objection against a municipal decision and a complaint about a service provider. This means that members of the public do not have to determine whether their grievance is an objection or complaint, and there is more scope for looking beyond the legal aspects. This will lead to a single point of contact for grievances and one procedure for dealing with them.<sup>16</sup> There will also be a study into the scope for establishing a single procedure to deal with disputes under the Social Support Act 2015 (WMO 2015) between individuals and municipalities and/or between individuals and private social service providers.

Action	Time Period	Actor
In consultation with municipalities and service providers, the Ministry of Health, Welfare and Sport is drafting a bill that should make it simpler to deal with objections and disputes under the WMO 2015 in a single procedure.	2020	Ministry of Health, Welfare and Sport

Anti-discrimination services (ADVs) play a key supportive role in tackling discrimination. They must be geared to and aware of local circumstances. The Netherlands' 355 municipalities are complex and diverse, so a single regional blueprint would be inappropriate. However all ADVs must meet minimum legal requirements, laid down in the Municipal Anti-discrimination Services Act (WGA), with regard to accessibility, independence and level of expertise.

Action	Time Period	Actor
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Dutch equal treatment legislation is not applicable to the Caribbean part of the Netherlands, so residents there cannot ask the Netherlands Institute for Human Rights to examine their discrimination complaints.

Action	Time Period	Actor
The government will take a position on the advisability of making the Equal Treatment Act (AWGB) applicable to the Caribbean Netherlands in the long or short term, on the basis of an exploratory study into the necessary conditions.	2020	Ministry of the Interior and Kingdom Relations

<sup>15</sup> The manual on dispute resolution in the social domain (Dutch only) can be viewed at: <https://zoek.officielebekendmakingen.nl/blg-774273.pdf>.

<sup>16</sup> Former government commissioner Michiel Scheltema advised that this be enshrined in law. The ministries of the Interior & Kingdom Relations and Health, Welfare & Sport presented this advisory opinion to parliament for consultation. See: <https://www.rijksoverheid.nl/documenten/kamerstukken/2020/01/06/kamerbrief-met-reactie-op-advies-over-integrale-geschilbeslechting-in-het-sociaal-domein> (Dutch only).

### Examples of good practice

- The government believes it is important that members of the public have a good relationship with the police. This depends in part on a fair and, where possible, independent complaints procedure focused on restoring trust. Since the merging of police forces into the National Police in 2013, complaints procedures have been made more professional and accessible. Measures taken include the following: (1) the complaints coordinators meet regularly, (2) complaints can be submitted in different ways (digitally via the website or an app, or in person), and (3) the website also provides an illustrated explanation of the procedure.
- SOLVIT is an EU initiative that was launched in 2002. It gives free advice to people when public authorities in another EU member state violate EU law. The Dutch SOLVIT centre falls under the Ministry of Economic Affairs and Climate Policy. SOLVIT tries to resolve cases within 10 weeks. Specifically, SOLVIT can help members of the public and businesses with problems concerning visas and residence rights, social security (e.g. pension rights and unemployment benefit), recognition of professional qualifications, vehicles and driving licences, VAT and cross-border movement of goods and services. For the last two years, the ministry has worked to raise awareness of SOLVIT, both within and outside of the government, especially in the business community as the number of problems submitted by businesses is much lower than those submitted by individuals.

### Access to justice

The government wants everyone in the Netherlands who has a (legal) question or complaint to be able to find the way to an appropriate, qualitative and lasting answer to their problem. Where necessary, they should be given assistance in seeking justice.

**In overhauling the system of subsidised legal aid, the government will strive to ensure that everyone, regardless of income, has both digital and physical access to a clear range of services for self-help, information and advice.**

Action	Time Period	Actor
The overhaul of the legal aid system should be completed by the end of 2024 at the latest.	Until the end of 2024	Ministry of Justice and Security
An online tool will be developed to give user-friendly, reliable and expert advice to those seeking justice on the most appropriate form of assistance.	2020 and 2021	Ministry of Justice and Security

**The government wants solutions to legal problems to have a more lasting effect. To that end it will promote informal procedures and better communication, offer incentives to prevent unnecessary legal proceedings and critically review the effects of various rules and regulations.**

Action	Time Period	Actor
The government will reduce the number of unnecessary proceedings founded in in administrative law, including proceedings made possible with legal aid.	Until end of 2024	Ministry of Justice and Security
The Ministry of Justice and Security is developing a system for collecting payments through the court that is simpler and more user-friendly than the current default procedure. A letter containing proposals to this end will be sent to parliament before the 2019 Christmas recess.	From 2019	Ministry of Justice and Security

#### **Example of good practice**

- In Eindhoven, a community court has been established where judges, municipal authorities, public prosecutors, social workers and care institutions work together on cases involving defendants with multiple problems. It focuses on problem-solving in cooperation with all stakeholders, and only deals with cases in which the defendant has pleaded guilty.

Part II:

# Human rights system and policy in the Netherlands



Part II provides an overview of the existing system and current policy regarding human rights, describes the national and international background and offers an insight into the role of the government and a wide range of independent stakeholders and supervisory authorities.

## 1. Legal framework

Human rights are enshrined in the Dutch Constitution (which uses the term *grondrechten*, or fundamental rights) and have been laid down in international human rights instruments since the Second World War.

### History

- Fundamental rights are based on the idea that certain rights are inherent to all human beings.
- One of the first fundamental rights to be formulated was freedom of religion, enshrined in article XIII of the **Union of Utrecht (1579)**, the treaty unifying the northern provinces of the Netherlands.
- Fundamental legal norms governing individual freedom and human dignity date back to the 17th and 18th centuries, the period in which **social contract theories**, and the idea that people should be protected from government, developed.
- Since then, fundamental rights have gradually been enshrined in declarations and legislation. Examples include the **US Declaration of Independence (1776)**, the French *Déclaration des droits de l'homme et du citoyen (1789)* and the Constitution of the Batavian Republic (1798).
- In the Netherlands fundamental rights were gradually incorporated into the 1814 Constitution, though they only acquired their prominent position in Chapter I in the **general review of the Constitution in 1983**.
- Since the Second World War, awareness has grown that the protection of fundamental rights cannot be left to individual countries alone. As a result, various international bodies have drafted human rights instruments and organised **international monitoring** of observance of the rights they enshrine.

### i. Nationaal juridisch kader

The Netherlands is a **democracy governed by the rule of law**. This means that certain essential principles are in force which guarantee public participation in political decision-making and help prevent the abuse of power by government. The first of these is the principle that government may only exercise its powers on the basis of existing law and within the limits of the law. Those limits are partly determined by fundamental rights (see *Fundamental Rights*, p. 42) and human rights laid down in treaties (see *Principal human rights instruments to which the Netherlands is a party*, p. 44) These rights constitute the second principle on which democracy and the rule of law are based. The third principle prescribes a degree of separation (also known as *checks and balances*) between the three branches of government, embodied in various forms of advice and scrutiny. The independence and impartiality of the judiciary is the fourth principle. Democracy is the fifth principle, enshrined in the Constitution, which provides for the right to vote and stand for election, and includes various provisions governing legislation and public administration. These principles are essential to guarantee a system in which human rights can be realised.

## Fundamental Rights

The Dutch Constitution opens with these words:

*All persons in the Netherlands shall be treated equally in equal circumstances. Discrimination on the grounds of religion, belief, political opinion, race or sex or on any other grounds whatsoever shall not be permitted.*

In addition to the prohibition of discrimination (art. 1) the first chapter of the Constitution sets out a number of other fundamental rights such as the right to vote and stand for election (art. 4), freedom of religion or belief (art. 6), freedom of expression (art. 7), the right of association (art. 8), of assembly and demonstration (art. 9), to respect for privacy (art. 10), to inviolability of the person (art. 11), against entry into a person's home without permission (art.12), to privacy of correspondence (art.13), against expropriation (art. 14) and against deprivation of liberty (art. 15). Rights in the social and economic domain include social security (art. 20), a liveable environment (art. 21), public health and housing (art. 22) and education (art. 23). Further provisions on fundamental rights can be found in article 59 (right to vote and stand for election) and the prohibition of capital punishment (art. 114).

## Amending the Constitution

The Constitution can be amended so that it remains up-to-date and relevant. The procedure is more complex than that for amending ordinary legislation (see articles 137 to 142 of the Constitution). At present, four procedures to amend the Constitution are under way that are relevant to fundamental rights.

1. A bill to insert a **general provision** before chapter I, reading as follows: 'The Constitution guarantees fundamental rights and the democratic rule of law'.<sup>17</sup>
2. A bill to incorporate the **right to a fair trial** within a reasonable time by an independent and impartial tribunal in article 17 of the Constitution.<sup>18</sup>
3. A bill to modernise article 13 of the Constitution by replacing the prohibition on violating the privacy of the telephone and telegraph with the right to respect for the **confidentiality of correspondence and telecommunication**.<sup>19</sup>
4. A private member's bill to specify disability and sexual orientation in the **non-discrimination grounds** set out in article 1 of the Constitution.<sup>20</sup>

Fundamental rights and internationally recognised human rights are further elaborated in Dutch legislation, such as the **Equal Treatment Act (AWGB)**, which further specifies the prohibition of discrimination (article 1 of the Constitution). Legislation is subject to change as is the interpretation of rights. For example, in March 2019 Parliament adopted an amendment clarifying the legal status of transgender and intersex persons (in the context of the prohibition of unjustified discrimination on grounds of sex).<sup>21</sup> Last year witnessed the 25th anniversary of the AWGB, highlighted at an event held on 17 October 2019 to celebrate its enactment and discuss its further development.

In addition to the AWGB, many other relevant Acts of Parliament give practical effect to human rights. The Elections Act, for example, codifies a right essential to democracy – the right to vote and stand for election (art. 4 of the Constitution). In January 2019 an amendment designed to guarantee access to polling stations for voters with a physical disability entered into effect.<sup>22</sup>

<sup>17</sup> Bulletin of Acts and Decrees 2018, 86: the second reading is scheduled for after the next elections. See [https://www.eerstekamer.nl/wetsvoorstel/34516\\_opnemen\\_van\\_een\\_algemene](https://www.eerstekamer.nl/wetsvoorstel/34516_opnemen_van_een_algemene) (Dutch only).

<sup>18</sup> Bulletin of Acts and Decrees 2018, 88: the second reading is scheduled for after the next elections. See [https://www.eerstekamer.nl/wetsvoorstel/34517\\_opnemen\\_van\\_een\\_bepaling](https://www.eerstekamer.nl/wetsvoorstel/34517_opnemen_van_een_bepaling) (Dutch only).

<sup>19</sup> Bulletin of Acts and Decrees 2017, 334: the second reading is scheduled for after the next elections. See [https://www.eerstekamer.nl/wetsvoorstel/33989\\_verandering\\_in\\_de\\_grondwet](https://www.eerstekamer.nl/wetsvoorstel/33989_verandering_in_de_grondwet) (Dutch only).

<sup>20</sup> Parliamentary Papers 32 441.

<sup>21</sup> Bulletin of Acts and Decrees 2019, 302: Act clarifying the legal status of transgender and intersex persons, see [https://www.eerstekamer.nl/wetsvoorstel/34650\\_initiatiefvoorstel\\_bergekamp](https://www.eerstekamer.nl/wetsvoorstel/34650_initiatiefvoorstel_bergekamp) (Dutch only).

<sup>22</sup> Bulletin of Acts and Decrees 2016, 215.

The **Public Assemblies Act** (WOM) focuses on freedom to demonstrate, which in turn enables people to assert other rights. The WOM was evaluated in 2015 and issues requiring attention were tackled at local level.<sup>23</sup> In close cooperation with a number of organisations, including the National Police and the Public Prosecution Service, the municipality of Amsterdam, for example, published a guide on demonstrations 2018.<sup>24</sup> This practical guide helps municipalities and implementing organisations to safeguard the right to demonstrate.

Finally, in May 2018 the **General Data Protection Regulation (Implementation) Act** came into force, replacing the Personal Data Protection Act. The new Act implements the EU General Data Protection Regulation (GDPR) and codifies the right to privacy (art. 10 of the Constitution).<sup>25</sup> The GDPR has strengthened rights in the domain of privacy by providing for a ‘right to be forgotten’ (giving the data subject the right to have data controllers erase inaccurate or sensitive personal data) and introducing stricter rules governing organisations that process personal data.

## ii. International legal framework

After the horrors of the Second World War, on 10 December 1948 the **Universal Declaration of Human Rights** was adopted by the United Nations General Assembly, representing all the UN member states. The Declaration established for the first time in an international context that human rights apply always, everywhere and to everyone. Although not in itself legally binding, it is the pre-eminent international human rights standard, and many binding human rights instruments are based on the Declaration.

Eleanor Roosevelt chaired the UN Commission on Human Rights, which drafted the Universal Declaration. On the Declaration’s tenth anniversary she said:

*‘Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they are the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. [...] Unless these rights have meaning there, they have little meaning anywhere.’*

The Netherlands is a party to a number of human rights treaties (for a full list, see *Annexe II*). This is how the government fulfils its constitutional task to promote the development of the international legal order (art. 90 of the Constitution). The obligations arising from these treaties are implemented in the Dutch legal order (arts. 93 and 94 of the Constitution). Where human rights provisions from these treaties confer rights and impose obligations, they can be invoked as long as they have been laid down unconditionally and with sufficient accuracy. Consequently, international human rights provisions often provide direct protection for people in the Netherlands.

The principal human rights instruments to which the Netherlands is a party were concluded within the framework of the **United Nations** (UN) and the **Council of Europe** (CoE) (see *Principal human rights instruments to which the Netherlands is a party*, p. 44). The UN is a global organisation in which all the countries of the world work together to achieve international peace and security. The Council of Europe is a regional organisation devoted to human rights, the rule of law and democracy in Europe. Numbering 47 member states, it is a much broader organisation than the EU (28 member states at the time of writing).

<sup>23</sup> Parliamentary Papers, House of Representatives 2015/2016, 34324, no. 1.

<sup>24</sup> See <https://www.amsterdam.nl/wonen-leefomgeving/veiligheid/demonstratierecht/> (Dutch only).

<sup>25</sup> Bulletin of Acts and Decrees 2018, 144.

## Principal human rights instruments to which the Netherlands is a party

United Nations (UN)	
Instrument	In force in the Netherlands since <sup>26</sup>
International Covenant on Civil and Political Rights 1966 (ICCPR)	11 March 1979
International Covenant on Economic, Social and Cultural Rights 1966 (ICESCR)	11 March 1979
International Convention on the Elimination of All Forms of Racial Discrimination 1966 (ICERD)	9 January 1972
Convention on the Elimination of All Forms of Discrimination against Women 1979 (CEDAW)	22 August 1991
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 (CAT)	20 January 1989
Convention on the Rights of the Child 1989 (CRC)	8 March 1995
International Convention for the Protection of All Persons from Enforced Disappearance 2006 (ICPED)	22 April 2011
Convention on the Rights of Persons with Disabilities 2006 (UNCRPD)	14 July 2016
Council of Europe (CoE)	
European Convention on the Protection of Human Rights and Fundamental Freedoms 1950 (ECHR)	31 August 1954
European Social Charter 1961 (ESC)	22 May 1980
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment 1987 (CPT)	1 February 1989
Framework Convention for the Protection of National Minorities 1995 (FCNM)	1 June 2005
Verdrag inzake het voorkomen en bestrijden van geweld tegen vrouwen en huiselijk geweld (2011)	1 maart 2016

The human rights treaties to which the Netherlands is a party, such as the ICCPR, ICESCR and ESC, cover a broad range of issues, rights and government obligations (see *Categories of rights and obligations*, p. 49). Other instruments focus on the human rights of a specific target group, like the UN Convention on the Rights of the Child. Yet others embody important prohibitions, like those banning genocide and torture. The optional protocol to the UN Convention against Torture obliges the Netherlands to set up a national preventive mechanism (NPM) to supervise locations where people are deprived of their liberty to ensure that they are not subjected to inhuman or degrading treatment.<sup>27</sup>

The treaty most recently acceded to by the Netherlands is the Convention on the Rights of Persons with Disabilities, which came into force in the Netherlands in 2016 and is implemented in the ‘Onbeperkt meedoen!’ (‘Unlimited participation’) programme.<sup>28</sup>

<sup>26</sup> Date of entry into force in the Caribbean Netherlands is different in some cases. See advisory report no. 107 of the Advisory Council on International Affairs (AIV), ‘Fundamental rights in the Kingdom of the Netherlands: Equivalent Protection in all Parts of the Kingdom’, June 2018, see <https://www.advisorycouncilinternationalaffairs.nl/documents/publications/2018/06/08/fundamental-rights-in-the-kingdom-of-the-netherlands>.

<sup>27</sup> See <https://www.inspectie-jenv.nl/english>.

<sup>28</sup> Parliamentary Papers, House of Representatives, 2017/18, 24170, no. 177.

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## Sustainable Development Goals

The broad perspective taken by human rights instruments is illustrated by the agenda for the **Sustainable Development Goals (SDGs)** established by the member states of the UN in 2015. The 17 goals are closely related to human rights. The Netherlands has made a political commitment to achieving these universal goals by 2030.

Sustainable Development Goals	Related human rights
SDG (1): No poverty	<ul style="list-style-type: none"> <li>• Right to an adequate standard of living (art. 20 Constitution; art. 25 Universal Declaration of Human Rights; art. 11 ICESCR; art. 26 CRC)</li> <li>• Right to social security (art. 20, paragraph 2 Constitution) art. 22 Universal Declaration; art. 9 ICESCR; art. 26 CRC)</li> </ul>
SDG (3): Good health and well-being	<ul style="list-style-type: none"> <li>• Right to life (art. 3 Universal Declaration; art. 6 ICCPR)</li> <li>• Right to health (art. 22, paragraph 1 Constitution; art. 25 Universal Declaration; art. 12 ICESCR)</li> </ul>
SDG (5): Gender equality	<ul style="list-style-type: none"> <li>• Principle of equality and prohibition of discrimination (art. 1 Constitution)</li> <li>• Right to non-discrimination (art. 2 Universal Declaration; art. 2 (2) ICESCR; arts. 2 (1) and 26 IVBPR; art. 2 CEDAW) and measures to combat all forms of discrimination against women and girls (arts. 1-5 CEDAW; art. 2 CRC)</li> <li>• Special protection of mothers and children (art. 10 ICESCR)</li> <li>• Measures to combat violence against women and girls (arts. 1-6 CEDAW; arts. 24 (3) and 35 CRC)</li> </ul>
SDG (8): Decent work and economic growth	<ul style="list-style-type: none"> <li>• Right to work and to just and favourable working conditions (art. 19 Constitution; art. 23 Universal Declaration; arts. 6, 7 and 10 ICESCR; art. 27 CRPD)</li> <li>• Prohibition of slavery, forced labour and human trafficking (art. 19, paragraph 3 Constitution; art. 4 Universal Declaration; art. 8 ICCPR; art. 6 CEDAW; arts. 34 – 36 CRC)</li> <li>• Equal employment rights for women (art. 11 CEDAW)</li> <li>• Prohibition of child labour (art. 32 CRC)</li> </ul>
SDG (11): Sustainable cities and communities	<ul style="list-style-type: none"> <li>• Right to adequate housing (art. 22 Constitution; art. 25 Universal Declaration; art. 11 ICESCR)</li> <li>• Protection of the cultural and natural heritage (art. 15 ICESCR)</li> <li>• Right to a healthy living environment (art. 21 Constitution, art. 25 Universal Declaration; arts. 11 and 12 ICESCR)</li> <li>• Access to safe and inclusive public spaces (art. 30 CRPD)</li> </ul>
SDG (16): Peace, justice and strong institutions	<ul style="list-style-type: none"> <li>• Right to life, liberty and security of person (art. 15 Constitution; art. 3 Universal Declaration; arts. 6 and 9 ICCPR; art. 1 ICPEP)</li> <li>• Protection of children against violence, abuse and exploitation (arts. 19 and 34 – 37 CRC)</li> <li>• Right to a fair trial and access to the courts (arts. 15 and 17 Constitution; arts. 8 and 10 Universal Declaration; arts. 2 (3), 14 and 15 ICCPR; art. 2 (c) CEDAW)</li> <li>• Right to access to information (art. 19 Universal Declaration; art. 19 (2) ICCPR)</li> </ul>

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The Dutch government has drawn up an action plan to implement the Sustainable Development Goals.<sup>29</sup> The SDGs are not legally binding but support the achievement and promotion of human rights in practice by setting concrete policy aims. Government officials are encouraged to make the impact of new policy and legislation on the SDGs clear. Relevant information is included in the Integrated Assessment Framework for Policy and Legislation (IAK).

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<sup>29</sup> Parliamentary Papers, House of Representatives 2016/17, 26485, no. 232.

### Human rights and business

In addition to the government, companies play an important role in ensuring observance of human rights. The UN has drawn up standards that apply to businesses and countries throughout the world. The UN Guiding Principles on Business and Human Rights (or Ruggie framework) are based on three pillars.

1. Governments have a duty to **protect** people against business-related human rights violations.
2. Businesses have a social responsibility to **respect** human rights.
3. Victims of business-related human rights violations have a right of **access to an effective legal remedy**.

In 2014 the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation published a National Action Plan on Business and Human Rights based on these principles.<sup>30</sup> In autumn 2019 the government initiated a review of the plan.<sup>31</sup>

Human rights also play an important role within the **European Union (EU)**. Article 2 of the Treaty on European Union (TEU) describes respect for human rights as one of the core values of the EU, while article 6, paragraph 3 provides that fundamental rights, as guaranteed by the ECHR and as they result from the constitutional traditions common to the member states, constitute general principles of Union law. The EU treaties furthermore contain numerous provisions codifying specific fundamental rights. Article 157 of the Treaty on the Functioning of the European Union (TFEU), for example, provides for equal pay for male and female workers. Finally, secondary EU legislation (regulations and directives based on EU treaties) enshrine specific human rights. Examples include the antidiscrimination directives and the GDPR, an important innovation in the field of privacy protection.

The **EU Charter of Fundamental Rights** is the most up-to-date and detailed general document on human rights. In 2009 the Charter acquired the same binding status as the EU treaties (via art. 6, paragraph 1 TEU). As a result, the EU institutions are bound to comply with the Charter, as are the member states when implementing Union law (art. 51 EU Charter). In 2018 the EU Agency for Fundamental Rights published guidance on the application of the Charter by the member states.<sup>32</sup>

<sup>30</sup> Parliamentary Papers, House of Representatives, 2013/14, 26485, no. 174.

<sup>31</sup> Parliamentary Papers, House of Representatives, 2018/19, 32735, no. 267.

<sup>32</sup> European Union Agency for Fundamental Rights, Applying the Charter of Fundamental Rights of the European Union in law and policymaking at national level – Guidance, October 2018, see [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-charter-guidance\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-charter-guidance_en.pdf).

### Multi-layered legal order

Many rights are laid down in both the Dutch Constitution and one or more international instruments. The content of these national and international rights overlaps to a large extent, but there are some differences. For example, there may be a difference in the scope of protection provided or in the restrictive conditions. Rules have been established so that such differences can be interpreted in the interests of individuals as far as possible. In general, preference is given to the provision which provides the greatest protection (see for instance art. 53 ECHR and art. 53 EU Charter).

### Restrictive conditions

Most fundamental and human rights are not absolute and may be subjected to restrictions, provided certain conditions are met. These conditions may vary, but the following general rules apply (based on the restrictions permitted under the ECHR):

1. **In accordance with the law:** is there a formal statutory basis for the restriction that is specific and accessible (in connection with foreseeability)?
2. **Legitimate aim:** does the restriction serve an interest or aim that is listed in the Constitution or an international instrument (for example, public order/safety, health or the protection of others)?
3. **Necessary in a democratic society:** is there a pressing social need and is the restriction proportionate (i.e. is it reasonable in light of the aim pursued) and are there no less stringent measures that could be used to achieve the aim pursued?

### Clash of rights

Rights may clash with each other in the horizontal relationship between individuals. This means that the interests protected by these rights may conflict.<sup>33</sup> This is common and inevitable: examples include insulting comments regarding a specific religion (freedom of expression versus freedom of religion or belief) or a gay teacher being sacked from a denominational school (prohibition of discrimination versus freedom of education). There is no general system of priority of one right over another; legislation may offer guidance (see the criminal law provisions on defamation and the AWGB), but many clashes of rights are not regulated by law. In such cases, the courts have to strike a balance on the basis of a legal analysis of the case in hand.

The law is constantly evolving. Sometimes fundamental rights evolve too. Because of their high, protected status and resulting protective effect – fortunately – they cannot be easily amended. However, the Constitution is sometimes amended, new human rights treaties or protocols are concluded and other human rights rules are changed or established, like the GDPR. Developments in society sometimes make this necessary, for example in technology (big data and AI) or public opinion regarding protection of the environment. The government attaches great importance to the best possible observance of human rights.

### Dealing with the clash of rights

On 16 October 2019 the Committee of Ministers of the Council of Europe agreed to the publication of a guide to good national practices on reconciling freedom of expression with other rights and freedoms, in particular in culturally diverse societies.<sup>34</sup> The Ministry of the Interior and Kingdom Relations contributed to the guide.

<sup>33</sup> Parliamentary Papers, House of Representatives, 2003/04, 29614, no. 2 (policy document on fundamental rights in a diverse society, in Dutch only), see <https://zoek.officielebekendmakingen.nl/kst-29614-2.html>.

<sup>34</sup> See <https://www.coe.int/en/web/human-rights-intergovernmental-cooperation/human-rights-development-cddh/freedom-expression>.



### iii. Relations within the Kingdom

Since 2010 the islands of **Bonaire, St Eustatius** and **Saba** have been part of the Netherlands, with special status modelled on that of a Dutch municipality. They are governed by the Constitution and the legislation in force in the European part of the Netherlands is gradually being introduced. The National Action Plan also applies to the Caribbean part of the Netherlands.

Most international human rights instruments apply to both the European and Caribbean parts of the Netherlands.<sup>35</sup> This is, however, not always the case: some instruments are only binding on the European part of the Netherlands. In 2019 the government agreed that any human rights instruments concluded in the future by the Kingdom should apply to both the European and Caribbean parts of the Netherlands.<sup>36</sup> Nevertheless, due to the special circumstances that fundamentally distinguish the islands from the European part of the Netherlands (art. 132a, paragraph 4 Constitution) such as their geographic distance and different economic and social conditions, scope remains for differences between the two parts of the Netherlands in the implementation of human rights instruments.

**Aruba, Curaçao** and **St Maarten** are independent countries within the Kingdom. They have their own responsibility for human rights and therefore fall outside the scope of the National Action Plan. However, efforts are currently being made to improve cooperation between the countries of the Kingdom in the field of implementation measures and plans for human rights instruments.<sup>37</sup>

## 2. Role of government

Government – legislature, judiciary and executive – bears primary responsibility for the observance of human rights. The legislature (government and States General, art 81 Constitution) has a duty to ensure that legislation is in accordance with human rights and where necessary to draft new legislation. In its role of executive, the government has to observe human rights both by refraining from certain types of conduct (for example, censorship or the unjustified use of force) and by taking action to achieve certain components of rights (for example, organising elections or ensuring that people have access to healthcare and education). Government must also ensure that compliance with human rights is monitored. Access to an independent and impartial tribunal is the cornerstone of human rights protection. The courts are not permitted to review the constitutionality of Acts of Parliament (art. 120 Constitution), but can review delegated legislation and acts of government in light of the Constitution. What is more, the courts review Acts of Parliament, delegated legislation and acts of government in light of the human rights laid down in international treaties (for other forms of oversight, see *Supervisory authorities*, p. 52-53).

Human rights and the obligations they entail can be divided into different categories (see: *Categories of rights and obligations*, p. 49) to assist in understanding and implementing these rights. However, these categories are not set in stone and do not affect the intrinsic cohesion of all human rights and obligations. The State has both positive and negative obligations: positive obligations entail a duty to take action, while negative obligations entail a duty to refrain from action. In practice both types of obligation are needed to observe all human rights, both civil and political rights and social and economic rights. For example, the government has to organise elections to guarantee the right to vote, but must not influence people in their voting behaviour.

<sup>35</sup> AIV advisory report no. 107, 'Fundamental Rights in the Kingdom of the Netherlands: Equivalent Protection in all Parts of the Kingdom', June 2018, pp. 11 and 17, see <https://www.advisorycouncilinternationalaffairs.nl/documents/publications/2018/06/08/fundamental-rights-in-the-kingdom-of-the-netherlands>. In the context of the EU treaties the Caribbean countries and the Caribbean part of the Netherlands qualify as 'overseas countries and territories' (art. 52 TEU and art. 355 TFEU), to which only Part Four of the TFEU is applicable. Inhabitants of the Caribbean part of the Netherlands are EU citizens and have the right to vote in elections to the European Parliament.

<sup>36</sup> Parliamentary Papers, House of Representatives, 2018/2019, 33826, no. 29, pp. 4-5, see <https://cms.webbeat.net/contentsuite/upload/aia/file/kamerbrief-inzake-reactie-op-aiv-advies-fundamentele-rechten-in-het-koninkrijk.pdf> (Dutch only).

<sup>37</sup> *Ibid.*, pp. 6 and 7.



## Categories of rights and obligations

### Rights

- **Civil and political rights:** provide protection from the State and, on the whole, define actions that government must refrain from. Examples are the right to life, freedom of expression, freedom of religion or belief, freedom of assembly and the right to privacy. These rights are enshrined in both the Constitution and human rights instruments.
- **Social and economic rights:** create the basic conditions for a life of freedom and dignity and primarily define certain minimum provisions that the State must guarantee. Examples include the right to work, health, education, adequate housing and social security. These rights are enshrined in both the Constitution and human rights instruments.
- **Solidarity or group rights:** relate to important aspirations that can only be protected and achieved by states working together. These collective rights are not enshrined in a treaty and not every country recognises them as legally binding. Examples include the right to peace, development and a clean environment.

It is important to note here that the distinction between civil and political rights on the one hand, and social rights on the other is not hard and fast, since all fundamental rights entail an obligation on the State to act, to refrain from action or a combination of the two.<sup>38</sup> For example, the right to vote means that the State must refrain from influencing voting behaviour but it also requires measures to make elections possible. The right of assembly demands that the State refrain from any action that prevents people from demonstrating. But it also requires it to make efforts to facilitate demonstrations, for instance by deploying sufficient police officers to prevent disruption by counter-demonstrators. Virtually all fundamental rights thus entail both positive and negative obligations and the two components are interdependent.

### Obligations

- **Respect:** means that the State must not interfere in certain matters.
- **Protect:** means that the State must actively protect individuals against violations of their rights.
- **Promote:** means that the State must take measures to ensure that rights can be exercised.

The State operates at various levels – central and local/regional, national and international – and has to engage with human rights at every one of these levels. **Central government** operates at national level and is made up of a number of ministries (art. 44 Constitution). The ministries have a variety of responsibilities in the field of human rights (see *Interministerial division of responsibilities*, p. 50). The Ministry of the Interior and Kingdom Relations, for example, has coordinating responsibility for domestic human rights policy, while the Ministry of Foreign Affairs is responsible for foreign human rights policy. Responsibility for a range of issues and the various human rights instruments rests with the relevant line ministries.

Because the various responsibilities are divided among the ministries, coordination is ensured through regular meetings, collaborative online spaces, or email. The Ministry of the Interior and Kingdom Relations and the Ministry of Foreign Affairs hold regular interministerial meetings on human rights issues to keep each other up-to-date on recent and future developments, on the basis of a reasonably fixed agenda (reporting procedures, visits, action plans). In addition, there are many interministerial meetings focusing on specific themes, for example antidiscrimination measures, the rights of the child, the SDGs, human rights and business etc.

<sup>38</sup> Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights in Vienna on 25 June 1993, Part I, article 5, see <https://www.ohchr.org/en/professionalinterest/pages/vienna.aspx>.

### Interministerial division of responsibilities<sup>39</sup>

- **Ministry of the Interior and Kingdom Relations** (BZK, Constitutional Affairs and Legislation Department, Fundamental Rights Group): guardian of the Constitution and the constitutional order, BZK has coordinating responsibility for domestic human rights policy, which it develops for example through the National Human Rights Action Plan and the National Action Programme on Discrimination. BZK is also involved in international policymaking that has a direct impact on the domestic situation, for instance within the context of the EU and the Council of Europe. Finally, it advises on policy and legislation and reviews the constitutionality of draft legislation. BZK is the lead ministry when it comes to the Netherlands' reporting duties under the UN Universal Periodic Review.
- **Ministry of Foreign Affairs** (BZ, Multilateral Organisations and Human Rights Department and Legal Affairs Department): has coordinating responsibility for foreign human rights policy and for international monitoring of the Netherlands' compliance with human rights instruments. BZ develops foreign human rights policy, on which it reports annually to the House of Representatives. It has a Human Rights Ambassador who focuses on human rights issues abroad. BZ represents the Netherlands in proceedings before the European Court of Human Rights and the various UN Committees. There is also a division that focuses on the SDGs in so far as they pertain to domestic policymaking and national and international monitoring.
- **Ministry of Justice and Security** (J&V, Legislation and Legal Affairs Department, Human Rights Group): has coordinating responsibility for reporting procedures under the various human rights instruments (ICCPR, CAT). J&V handles international human rights proceedings (ECHR, CJEU, ICCPR, CAT, CEDAW, ECSR) and participates in Council of Europe meetings on protecting and promoting human rights. The Ministry reviews Acts of Parliament and orders in council to see if they conform to the instructions on drafting legislation and advises on legislation and policy, more specifically with regard to compliance with human rights standards.
- **Ministry of Education, Culture and Science** (OCW): has coordinating responsibility for equal treatment of men and women and LHBTI rights, including the relevant reporting procedures (CEDAW).
- **Ministry of Social Affairs and Employment** (SZW): has coordinating responsibility for measures to combat certain forms of discrimination (in the labour market and on the grounds of ethnic origin or religion) and for social and economic rights, including the relevant reporting procedures (CERD, ICESCR, and ILO instruments).
- **Ministry of Health, Welfare and Sport** (VWS): has coordinating responsibility for the rights of the child and the rights of people with disabilities, including the relevant reporting procedures (UNCRC and UNCRPD).
- **Ministry of Economic Affairs and Climate Policy** (EZK): has coordinating responsibility for climate policy and responsibility for national policy in the field of corporate social responsibility.
- **Ministry of Infrastructure and Water Management** (I&W): works with other parties to create a safe and accessible country with a healthy and sustainable living environment. It has a duty to ensure that access to information, public participation in decision-making and access to justice in environmental matters are well regulated (Aarhus Convention).

**Local and regional government** also plays a major role with regard to human rights, more specifically the municipalities – the first tier of government when it comes to contact with the population (Municipalities Act). Municipalities implement human rights at local level, for example under the Social Support Act 2015 (WMO 2015). In every municipality there is a system in place for the achievement of human rights, ranging from the provision of information to public participation and complaints mechanisms, including municipal anti-discrimination services (ADVs). In addition, the role played by municipalities continues to expand through decentralisation measures and urban migration.

<sup>39</sup> This division is for illustrative purposes and is subject to change. Responsibilities may be reallocated for compelling reasons (for example, when a new government is formed).

Recent years have witnessed major developments with regard to awareness of human rights in the context of local government. Human rights provide a framework of minimum standards for locally tailored measures. A number of reports have been published on this subject (see *Human rights at local level*) and there is contact between towns and cities around the world. For example, the World Human Rights Cities Forum has been held every year in Korea since 2011, while Amsterdam has signed up to the international Declaration of Local Governments for the Right to Housing and the Right to the City.<sup>40</sup> The Netherlands Institute for Human Rights holds seminars and provides human rights courses for the Dutch municipalities.<sup>41</sup> Some municipalities present themselves as ‘human rights cities’ in various ways.

## Human rights at local level

### Reports

- In 2014 **Human rights and local policy**, a guide for policymakers in the Netherlands was published by Platform 31, a knowledge and networking organisation.<sup>42</sup>
- In a 2015 **report on the role of local government**, the UN Human Rights Council Advisory Committee discussed the important role played by local authorities regarding human rights, and their complementary responsibilities in this field.<sup>43</sup>
- In 2018 the Council of Europe’s Congress of Local and Regional Authorities presented a handbook on **human rights for local and regional authorities**.<sup>44</sup> A second handbook on economic and social rights will follow in 2020.
- In 2018 the Association of Netherlands Municipalities (VNG) presented a **guide for Dutch local authorities on the Global Goals** (SDGs).<sup>45</sup>

### Local developments

- **Local strategies for human rights:** some municipalities have developed specific strategies or basic principles in the human rights field (like Amsterdam) or for the SDGs (there are 82 ‘Global Goals municipalities’ including Deventer, Eindhoven, Groningen and Utrecht).<sup>46</sup>
- **Shelter cities:** an initiative of Justice and Peace Netherlands in cooperation with a large number of municipalities that have declared themselves willing to offer temporary relocation and shelter to human rights defenders from a range of countries who are at risk (Amsterdam, Deventer, Haarlem, Groningen, Maastricht, Middelburg, Nijmegen, The Hague, Tilburg, Utrecht and Zwolle).<sup>47</sup>

<sup>40</sup> See <http://whrcf.org/> and <https://citiesforhousing.org>.

<sup>41</sup> See <https://mensenrechten.nl/nl/nieuws/baat-een-mensenrechtenkader-voor-gemeenten> (Dutch only).

<sup>42</sup> Esther van den Berg and Barbara Oomen, *Mensenrechten in Lokaal Beleid* (Dutch only), Platform 31, September 2014, see <https://www.platform31.nl/publicaties/mensenrechten-en-lokaal-beleid>.

<sup>43</sup> Human Rights Council Advisory Committee, *Role of local government in the promotion and protection of human rights*, 7 August 2015, UN Doc A/HRC/30/49, see <http://undocs.org/en/A/HRC/30/49>.

<sup>44</sup> Congress of Local and Regional Authorities of the Council of Europe, *Promoting Human Rights at Local and Regional Level*, 34th session, 27 March 2018, see <https://rm.coe.int/promoting-human-rights-at-local-and-regional-level-monitoring-committee/168079416a>.

<sup>45</sup> Association of Netherlands Municipalities (VNG), *De Global Goals in het gemeentelijk beleid* (Dutch only), 2018, see <https://vng.nl/publicaties/de-global-goals-in-het-gemeentelijk-beleid>.

<sup>46</sup> See <https://www.amsterdam.nl/sociaaldomein/diversiteit/mensenrechtenstad/> (Dutch only) and <https://www.utrecht4globalgoals.nl/> (Dutch only).

<sup>47</sup> See <https://sheltercity.nl/en/>.

### 3. Human rights system and policy

Government must ensure that policy and legislation comply with human rights norms. Accordingly, human rights are covered by the Integrated Assessment Framework for Policy and Legislation (IAK), which has to be applied to new policy and legislation. The IAK contains the standards for good policy and legislation, set by the government, to which policymakers and legislative drafters must conform. It also provides useful resources and background information.<sup>48</sup> Part of its test of lawfulness is a 'Checklist of fundamental rights' which can be helpful when reviewing legislation in light of higher law, including the human rights treaties. Various other, more detailed aids are available: this includes three guides, the first to national application of the EU Charter of Fundamental Rights, the second to economic, social and cultural rights and a third to property rights under the ECHR. Finally, the Ministry of the Interior and Kingdom Relations is currently working on an integrated handbook on review in light of higher law. In the context of quality requirements, the IAK includes a privacy impact assessment and a flow chart for impact on gender equality (in the framework of the SDGs). Courses given to legislative drafters and government lawyers at the Academy for Legislation and the Academy for Government Lawyers include a module on the relevance of human rights to their work.

Before a bill goes to the cabinet it is first assessed in light of human rights norms. This is primarily the task of the ministry submitting the bill. Subsequently, the Ministry of Justice and Security vets all legislative proposals in terms of their constitutional and administrative quality, including human rights implications. In conducting a constitutional review, the Ministry of Justice and Security works closely with the Ministry of the Interior and Kingdom Relations, which is responsible for the Constitution and in that connection reviews legislative proposals in light of the Constitution and treaties.

Alongside the review of policy and legislation in light of human rights by the executive, Parliament plays an important role as co-legislator and as part of its task to scrutinise the work of the executive ([www.eerstekamer.nl](http://www.eerstekamer.nl) and [www.tweedekamer.nl](http://www.tweedekamer.nl)). The Council of State also holds an important position as independent adviser (<https://www.raadvanstate.nl/talen/artikel/>). Before a bill or order in council can be adopted, the Council of State must be consulted (art. 73 Constitution). In its recommendations, the Council regularly refers to human rights issues and asks for modifications or further elaboration of proposals. Finally, compliance with human rights norms is supervised by independent bodies (see *Supervisory authorities*).

#### Supervisory authorities

##### Dutch supervisory authorities:

- **Parliament:**<sup>49</sup> composed of the Senate and the House of Representatives, Parliament is co-legislator and scrutinises government policy. It therefore plays an important role in posing critical questions about draft legislation, policy initiatives or events in society from a human rights perspective.
- **Judiciary:**<sup>50</sup> the keystone of legal protection is access to an independent and impartial tribunal.
- **National Ombudsman:**<sup>51</sup> the National Ombudsman is a second-level complaints body for a large proportion of government bodies and municipalities. The Ombudsman believes that the perspective of members of the public must be safeguarded in everything that government does. The institution helps people who run into difficulties in their dealings with government, by intervening or investigating. It also challenges government bodies to take a fresh look at their services and to improve them. The National Ombudsman also acts on behalf of veterans. The Children's Ombudsman is the Ombudsman's deputy.<sup>52</sup>

<sup>48</sup> See <https://www.kcwj.nl/kennisbank/integraal-afwegingskader-voor-beleid-en-regelgeving> (Dutch only).

<sup>49</sup> See <https://www.government.nl/topics/parliament>.

<sup>50</sup> See <https://www.rechtspraak.nl/English>.

<sup>51</sup> See <https://www.nationaleombudsman.nl/international>.

<sup>52</sup> See <https://www.dekinderombudsman.nl/en/netherlands-ombudsman-for-children>.

- **Netherlands Institute for Human Rights:**<sup>53</sup> an independent body that conducts research into the observance of human rights in the Netherlands, gives advice on subjects including legislation and provides training courses. It reviews individual complaints concerning discrimination and supervises compliance with the UN Convention on the Rights of Persons with Disabilities. The Institute works with national and international organisations, including civil society organisations, to improve the human rights situation in the Netherlands.
- **Data Protection Authority:**<sup>54</sup> supervises compliance with privacy legislation through investigations, legislative advice, mediation and publicity.
- **Review Committee on the Intelligence and Security Services:**<sup>55</sup> supervises the lawfulness of the actions of the intelligence and security services and handles complaints and reports of suspected abuse of powers.
- **Local anti-discrimination services:**<sup>56</sup> register complaints of discrimination and provide support while they are being processed.
- **Dutch Whistleblowers Authority:**<sup>57</sup> provides support to whistleblowers, investigates abuses and works to prevent them.
- **Government inspectorates:**<sup>58</sup> there are several independent inspection services, including the Social Affairs and Employment Inspectorate, which supervises working conditions, the Inspectorate of Education, which has oversight of educational institutions, the Justice and Security Inspectorate, which supervises implementing bodies in the relevant field, and finally the Health and Youth Care Inspectorate, which supervises the safety and quality of care.
- **Civil society:** the Netherlands has an active civil society made up of a variety of interest groups that keep a close watch on government. A number of human rights and development organisations in the Netherlands have joined forces in the Broad-based Human Rights Consultative Platform to draw attention to human rights in Dutch foreign policy through lobbying and advocacy.<sup>59</sup>

#### International monitoring mechanisms

- **Complaints procedures:** in certain circumstances people in the Netherlands can take their complaints (usually after completing domestic legal proceedings) to international bodies. The best known of these is the European Court of Human Rights (ECtHR). Since 1976 the ECtHR has given judgment 162 times in proceedings against the Netherlands; in 91 cases it found a violation.<sup>60</sup> Collective complaints can be lodged with the European Committee of Social Rights.<sup>61</sup> The Netherlands is a party to a range of individual complaints procedures before various UN committees (see *Annexe II* for a list of complaints protocols to which the Netherlands is a party).<sup>62</sup> Since 1987 the UN committees have considered the merits of 58 complaints against the Netherlands; in 16 cases they found a violation.<sup>63</sup> On the basis of their case law, the UN committees also publish 'General Comments' in which they set out the content, scope and interpretation of relevant rights.<sup>64</sup> In addition, the Court of Justice of the European Union regularly hands down judgments on subjects which relate to the rights enshrined in the EU Charter of Fundamental Rights.<sup>65</sup>
- **Reporting procedures:** under many human rights instruments the states parties have a duty to report, usually once every four years, on the human rights situation in their country.

<sup>53</sup> See <https://mensenrechten.nl> (Dutch only).

<sup>54</sup> See <https://www.autoriteitpersoonsgegevens.nl/en>.

<sup>55</sup> See <https://english.ctivd.nl/>.

<sup>56</sup> See <https://www.discriminatie.nl> (Dutch only).

<sup>57</sup> See <https://huisvoorklokkenuiders.nl/english>.

<sup>58</sup> See <https://www.rijksinspecties.nl> (Dutch only).

<sup>59</sup> See <http://www.bmoweb.nl> (Dutch only).

<sup>60</sup> In 1976 the ECtHR gave its first judgment in a case against the Netherlands. Its judgments are binding. Figures are taken from the HUDOC database of ECtHR case law, accessed on 28 October 2019 (<https://hudoc.echr.coe.int/>).

<sup>61</sup> Again, judgments are binding and can be consulted via HUDOC.

<sup>62</sup> Findings are not binding but carry great weight.

<sup>63</sup> In 1987 a UN Committee gave the first decision in a case against the Netherlands. Figures for decisions and violations are taken from the OHCHR jurisprudence database, accessed on 28 October 2019 at <https://juris.ohchr.org/>.

<sup>64</sup> See <https://www.ohchr.org/EN/HRBodies/Pages/TBGeneralComments.aspx>.

<sup>65</sup> Judgments are binding and can be consulted on the CJEU's website [https://curia.europa.eu/jcms/jcms/P\\_106308/en/](https://curia.europa.eu/jcms/jcms/P_106308/en/).

On the basis of these reports and the shadow reports drawn up by independent organisations, including the Netherlands Institute for Human Rights, the committee concerned issues recommendations. The Netherlands studies these recommendations carefully and issues a response with detailed arguments as to whether or not it will adopt the recommendations. The UN's online Universal Human Rights Index (UHRI) can be searched for recommendations by country, period and subject.<sup>66</sup> The EU Agency for Fundamental Rights is currently working on a European Fundamental Rights Information System (EFRIS) which would contain recommendations made by the EU and the Council of Europe, as well as UN committee recommendations.<sup>67</sup>

- **Universal Periodic Review:** a four or five-yearly review by the UN Human Rights Council, based on a peer review model, of the human rights records of all UN member states. That means that every country receives recommendations from other countries. The Netherlands was last reviewed in 2017 and makes an active contribution to the recommendations for other countries.<sup>68</sup>

Through policy and legislation the government plays an active role in promoting human rights in the Netherlands. Since 2014, 195 action plans and programmes have been introduced which relate to human rights or elaborate on them (see *Annexe IV*).<sup>69</sup> One example is of course the previous National Human Rights Action Plan, published in 2013. Others include the 2016 National Action Programme on Discrimination, the 2018 Action Plan against Discrimination in the Labour Market, the 2016 National Action Plan on Business and Human Rights, the Action Plan for Policy Coherence for Development, designed to facilitate the implementation of the SDGs, and the 'Unlimited participation' programme implementing the UN Convention on the Rights of Persons with Disabilities. In addition, there are many relevant action plans in other fields, such as the 2018 Action Plan on a Comprehensive Approach to Tackling Debt, the 2018 programme Dealing with Domestic Violence and Child Abuse, the 2017 Action Plan against Pregnancy Discrimination, the 2016 National Action Plan implementing Security Council Resolution 1325 (Women, Peace and Security), the 2015 Action Plan on Inclusive Development and finally the 2014 Action Plan on Children's Rights in the Kingdom of the Netherlands.

<sup>66</sup> See <https://uhri.ohchr.org/en/>.

<sup>67</sup> See <https://fra.europa.eu/en/project/2018/eu-fundamental-rights-information-system>.

<sup>68</sup> See <https://www.ohchr.org/EN/HRBodies/UPR/Pages/NLIndex.aspx>.

<sup>69</sup> See also the government's response to the 2017 Annual Report of the Netherlands Institute for Human Rights, Parliamentary Papers, House of Representatives, 2018/19, 33826, no. 25, pp. 4-5.



Ministry of the Interior and Kingdom Relations  
Postbus 20011 | 2511 DP Den Haag  
[www.rijksoverheid.nl](http://www.rijksoverheid.nl)

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