

# Human Rights Report 2015

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## Foreword

In April this year, I was able to welcome Leyla and Arif Yunus to the Netherlands, where they were reunited with their daughter Dinara. The release of these human rights activists by the Azerbaijan authorities and their arrival in the Netherlands was the visible result of much less visible diplomatic efforts. I had lobbied for their release since my appointment as Minister of Foreign Affairs. My German counterpart and I, and the EU, had worked without ceasing in support of their case.

The Netherlands campaigns in many ways and on many fronts for the protection and promotion of human rights, as the Human Rights Report 2015 makes clear once more. It is a matter that requires patience, however. The fact that the Yunus family were able to leave Azerbaijan shows that these unflagging efforts – both in the spotlight and behind the scenes – can eventually be rewarded with a positive result.

We will continue these efforts, working as often as possible in collaboration with other partners and with the EU. They remain highly necessary. All over the world, rights and freedoms are increasingly being repressed in the interests of 'security'. Human rights are being suspended, freedom of expression curtailed and the press, opposition and human rights defenders silenced, all in the name of counterterrorism. However, as I pointed out at the UN Human Rights Council last February, it is an illusion to think that human rights can be put on hold, even temporarily, for the sake of stability or security. Repression leads to a false sense of security and, ultimately, instability, conflict and floods of refugees.

This is an all-too-familiar scenario. 2015 saw huge flows of refugees. The harrowing images of people who have been cast adrift reveal a range of problems and individual suffering for which there are no quick and easy solutions. We need effective human rights policy to tackle the present refugee crisis. Firstly, because human rights violations are one of the main reasons why people are fleeing their homes. They are fleeing repression, war and violence. Secondly, because migrants – whether refugees or people migrating to escape poverty and the absence of socioeconomic prospects – are particularly vulnerable to human rights violations.

We must be constantly on the look-out for human rights violations. Too often, we hear that human rights are not the most important thing right now, particularly in the current debate on security. But let me be quite clear: there is no pause button on human rights. There can be no choice between security and human rights. One is not possible without the other; they are complementary. Respect for human rights and protection of citizens are both vital for a stable, open and secure society.

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## List of abbreviations

ASEAN	Association of Southeast Asian Nations
ASEM	Asia-Europe Meeting
AU	African Union
CEDAW	Committee on the Elimination of Discrimination against Women (UN)
CM	Committee of Ministers (CoE)
COC Netherlands	Dutch Federation for the Integration of Homosexuality
CoE	Council of Europe
COHOM	Council Working Party on Human Rights (EU)
CSR	corporate social responsibility
DRC	Democratic Republic of the Congo
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance (CoE)
ECtHR	European Court of Human Rights
EEAS	European External Action Service
EIDHR	European Instrument for Democracy and Human Rights
ESC	economic, social and cultural (rights)
EU	European Union
EUSR	EU Special Representative
FLOW	Funding Leadership Opportunities for Women (Ministry of Foreign Affairs)
FPU	Free Press Unlimited
GoF	Group of Friends
GSP	Generalised System of Preferences
FOC	Freedom Online Coalition
HDIM	Human Dimension Implementation Meeting (OSCE)
HR (EU)	High Representative of the Union for Foreign Affairs and Security Policy
HRC	Human Rights Council (UN)
IACHR	Inter-American Commission on Human Rights
ICC	International Criminal Court
ICRC	International Committee of the Red Cross
ICSR	international corporate social responsibility
ICTR	International Criminal Tribunal for Rwanda
ICTY	International Criminal Tribunal for the former Yugoslavia
IDAHOT	International Day Against Homophobia, Transphobia and Biphobia
IDPs	internally displaced persons
ILO	International Labour Organization
IOB	Policy and Operations Evaluation Department (Ministry of Foreign Affairs)
LHBTI	Lesbian, Gay, Bisexual, Transgender, Intersex
MENA	Middle East and North Africa
MICT	Mechanism for International Criminal Tribunals
NGO	non-governmental organisation
NHC	Netherlands Helsinki Committee
OAS	Organization of American States
ODA	Official Development Assistance
ODIHR	Office for Democratic Institutions and Human Rights (OSCE)
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights (UN)
OIC	Organization of Islamic Cooperation
OSCE	Organization for Security and Co-operation in Europe
PA	Palestinian Authority
RSCSL	Residual Special Court for Sierra Leone
RtoP	Responsibility to Protect
SDGs	Sustainable Development Goals
SER	Social and Economic Council of the Netherlands
SOMO	Centre for Research on Multinational Corporations
SRHR	sexual and reproductive health and rights
STL	Special Tribunal for Lebanon
UN	United Nations
UNFPA	United Nations Population Fund

UNGPs	UN Guiding Principles on Business and Human Rights
UNHCR	UN Refugee Agency
UNICEF	United Nations Children's Fund
UNODC	UN Office on Drugs and Crime
UPR	Universal Periodic Review
VPs	Voluntary Principles on Security and Human Rights
WSIS	World Summit on the Information Society

## Introduction

Human rights apply to all people, everywhere and at all times. They are the basis for human dignity, freedom and development, and provide the foundations of open, free societies all over the world. Without the promotion and protection of these rights, there can be no democracy and no rule of law. Our human rights policy is an important element of our efforts to promote the development of the international legal order on the basis of article 90 of the Dutch Constitution.<sup>1</sup>

In 2015, the Government was once again actively involved in support of the priorities outlined in the policy letter 'Respect and Justice for All'.<sup>2</sup> These priorities are human rights defenders; equal rights for lesbian, gay, bisexual, transgender and intersex (LGBTI) people; equal rights for women; the most flagrant human rights violations; freedom of expression (offline and online); freedom of religion and belief; human rights and corporate enterprise; and human rights and development. To ensure its efforts are as effective as possible, the Netherlands has also worked closely with the European External Action Service in various areas, both with EEAS delegations in third countries and in Brussels.<sup>3</sup> One example of Dutch success was the campaign to incorporate specific actions into the new EU Action Plan on Human Rights and Democracy (2015-2019).<sup>4</sup>

The Netherlands raises human rights issues at both bilateral and multilateral level. At bilateral level, our human rights policy is implemented on the ground mainly by embassies and the Human Rights Ambassador. Human rights are also, however, discussed in broad-ranging political dialogues with countries, or in specific human rights dialogues at political or senior official level. Our permanent representations at the multilateral forums (in particular the European Union and the United Nations, the Council of Europe and the Organization for Security and Co-operation in Europe) are our chief instruments in promoting the Netherlands' position on human rights in these arenas.

Current international developments, including the growing influence of new players and powers, mean we must focus on how to implement foreign policy on human rights. Human rights are often regarded as a Western concept, and the universality of human rights is under threat. It is essential that, besides taking countries to task on respect for human rights, we also enter into a dialogue with them. In his discussion with governments, the Human Rights Ambassador draws on the recommendations that the countries themselves have accepted during the UN Human Rights Council's Universal Periodic Review.<sup>5</sup>

Attempts are also made to engage in effective dialogue through trilateral cooperation with non-Western countries. Given their knowledge and experience of and contacts in the region in question, such countries are well placed to take the lead on certain issues. One example is our collaboration with Uruguay on equal rights for LGBTI people. Preparations for the international LGBTI conference in Montevideo in July 2016 began in 2015.

In 2015, the Government issued its response to the policy review 'Navigating a Sea of Interests – Policy Evaluation of Dutch Foreign Human Rights Policy (2008-2013)' as prepared by the Policy and Operations Evaluation Department (IOB).<sup>6</sup> The report presents a positive picture of the Netherlands' efforts and contributions to the promotion of human rights in 2008-2013. The Government largely endorses the IOB's recommendations, and is now following up on them. For example, the Human Rights Fund is to be used more strategically and flexibly so that support can be given to NGOs at country level in cases where the Netherlands is able to make a difference and achieve tangible results.<sup>7</sup>

<sup>1</sup> Article 90 of the Constitution of the Kingdom of the Netherlands: 'The Government shall promote the development of the international legal order'.

<sup>2</sup> See: <https://zoek.officielebekendmakingen.nl/blg-233168.pdf> pp. 13-23

<sup>3</sup> See also section 1.2 on the European Union.

<sup>4</sup> Implementation of Ten Broeke motion concerning limitations on human rights policy objectives and closer collaboration with the European External Action Service (<http://bit.ly/1RI8nvX>)

<sup>5</sup> See also section 1.1 on United Nations.

<sup>6</sup> See policy response ([http://www.ioe-evaluatie.nl/sites/ioe-evaluatie.nl/files/Beleidsreactie\\_0.pdf](http://www.iob-evaluatie.nl/sites/ioe-evaluatie.nl/files/Beleidsreactie_0.pdf))

<sup>7</sup> See also Servaes/Sjoerdsma motion on increase in and more flexible use of the Human Rights Fund budget (<https://zoek.officielebekendmakingen.nl/dossier/32735/kst-32735-131.html>). The budget for 2016 has been increased by EUR 1.5 million.

The IOB's policy review on the international legal order was issued in 2015. The report, entitled 'Peaceful Dispute Settlement and Action to Combat Impunity', and the Government's response were submitted to the House of Representatives on 18 March 2016.<sup>8</sup>

The Human Rights Report 2015 is structured as follows. Chapter 1 looks at the forums where the Netherlands is active in the field of human rights. Chapter 2 explores Dutch priorities and related activities and results in 2015 in greater depth. Chapter 3 considers developments and efforts involving Dutch embassies and the Human Rights Ambassador in different countries. A financial overview itemised by country and by priority is included at the end of the document.

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<sup>8</sup> See: House of Representatives, 2015–2016 session, 31 271, no. 22 ([link Kabinetsreactie](#)) ([link naar rapport IOB Beleidsdoorlichting](#))

## 1. Forums in which the Netherlands is active

### 1.1 United Nations

#### *Human Rights Council*

On 1 January 2015, the Kingdom became a member of the Human Rights Council for the period 2015-2017. As the Minister of Foreign Affairs said in his speech to the Council in March 2015, human rights are currently under pressure, particularly in conflict zones, and also as a result of discrimination and the curtailing of freedoms to silence the opposition, sometimes under the guise of fighting terrorism. The Minister warned that the protection of human rights must not degenerate into a ritual dance.<sup>9</sup>

The Human Rights Council is the main international forum where human rights are promoted and countries are called to account for human rights violations. The work of its special rapporteurs and Commissions of Inquiry plays an important role in the monitoring of human rights situations and violations of human rights. Their reports inform the debates in the HRC and negotiations on resolutions that are designed to lead to an improvement in respect for the rights of the people in question.

In September 2015, the Human Rights Council adopted the resolution on Technical assistance and capacity building for Yemen in the field of human rights by consensus. During the negotiations the Netherlands lobbied strongly for an international investigation of human rights violations and violation of the law of war by parties to the conflict in Yemen. In the end there was too little support for this in the Council, though the OHCHR will monitor the human rights situation and the setting up of a national inquiry. A report will be presented to the Human Rights Council in September 2016.

The Netherlands played an active role in the negotiations on resolutions concerning issues such as freedom of expression, human rights defenders and equal rights for LGBTI people and women.

Child, early and forced marriages still occur all over the world. These practices are highly detrimental to girls' development. At the Human Rights Council meeting in June 2015 the Netherlands and a broad core group of UN member states supported a substantial resolution against child marriage. The delegations enjoyed the support of a broad coalition of national and international NGOs that campaign on this issue. In 2015, with the Czech Republic, Botswana, Peru and Indonesia, the Netherlands resubmitted the Equal Political Participation resolution, on equal participation for all in the public debate and in decision-making processes. Besides a specific focus on human rights defenders, consideration was again given to the importance of political participation by women, at the instigation of the Netherlands.

Strong positions were taken on sexual and reproductive health and rights for women and girls during the negotiations in the UN General Assembly on the 'Rights of the Child' and 'Girl Child' resolutions. The negotiations on this issue remain difficult.

#### *Universal Periodic Review*

The Universal Periodic Review that each UN member state undergoes every five years is an important Human Rights Council instrument that allows it to call countries to account and encourage them to improve. Its universal nature, the specific recommendations and the involvement of civil society make this a unique instrument, and an important opportunity for countries to reflect on their own human rights situation. In 2015, the Netherlands made 84 recommendations to 42 countries, including Turkey, the US, Belarus, Kenya, Kyrgyzstan, Georgia, Burma and Oman, on issues including freedom of expression, equal rights for LGBTI people and women, protection of human rights defenders, abolition of the death penalty and freedom of religion. The Netherlands will undergo a review in April/May 2017, when other countries in the UN will examine the human rights situation here.

#### *Dutch support for country resolutions*

The Netherlands supported a large number of resolutions highlighting human rights violations in countries like Syria, Iraq, Burundi and South Sudan. In the negotiations the Netherlands argued

<sup>9</sup> See: <https://www.rijksoverheid.nl/documenten/toespraken/2015/03/02/toespraak-van-minister-koenders-voor-de-mensenrechtenraad>



among other things for the protection of citizens, involvement of women in peace processes and accountability. The need to convince countries of the importance of these resolutions grows ever more urgent, in the face of a trend whereby it is proving increasingly difficult to achieve consensus. A growing number of countries are withdrawing their support because they believe that resolutions focused on a single country are not constructive and are based solely on political interests.

*Periodic reports under the UN human rights instruments*

Two periodic reports by the Kingdom under UN human rights instruments were considered in 2015. The Committee on the Rights of the Child (CRC) considered the 4th report under the Convention on the Rights of the Child (2013-2014 session, parliamentary paper 26150 no. 134) and the Committee on the Elimination of Racial Discrimination (CERD) considered the 19th-21st reports under the International Convention on the Elimination of All Forms of Racial Discrimination (2012-2013 session, parliamentary paper 30950 no. 61).

*Committee on the Rights of the Child*

A delegation represented the Kingdom of the Netherlands before the CRC on 27 May 2015. The oral session, which was attended by a large number of NGOs that campaign for children's rights in the Netherlands and by the Children's Ombudsman, followed on from written answers to an extensive List of Issues put to the Kingdom by the Committee.

The Concluding Observations adopted by the Committee included both praise for a number of measures introduced by the Kingdom and points for improvement in the form of over 60 recommendations. An assessment of these recommendations, which on the whole are very constructive, was submitted to the House of Representatives on 13 November 2015 (2015-2016 session, parliamentary paper 26150, no. 47).

*Committee on the Elimination of Racial Discrimination*

On 18 and 19 August 2015, a Kingdom delegation appeared before the Committee on the Elimination of Racial Discrimination. A broad range of subjects were discussed during the session on the Netherlands' report, including integration policy, the position of people from immigrant backgrounds on the labour market, asylum policy and the tone of the public debate in the Netherlands. In this context, views were exchanged with the Committee on the question of Zwarte Piet ('Black Pete'). The Committee made a large number of recommendations, which the Government regards as an incentive to further improve measures to tackle racism in the Netherlands. These recommendations and an assessment by the Government were submitted to the House of Representatives on 28 October 2015 (2015-2016 session, parliamentary paper 30950, no. 80).

**Financial support**

In 2015, the Netherlands contributed over EUR 8 million to the work of the Office of the UN High Commissioner for Human Rights (OHCHR) to protect and promote human rights worldwide. The Netherlands is one of the OHCHR's five biggest donors.

The Netherlands also contributed USD 35,000 to the UN Trust Fund for Least Developed States and Small Island Developing States to encourage them to participate in the Human Rights Council and the UPR process.

## 1.2 European Union

### *EU external human rights policy*

In 2015, human rights and democracy were once again key basic principles in the European Union's external policy. The Netherlands was active in raising relevant issues and worked closely with the EU's High Representative for Foreign Affairs, the Special Representative for Human Rights and the European External Action Service (EEAS) to ensure that human rights remained a leading and visible factor in European external policy.

Developments in 2015, particularly the refugee crisis, made the need for coherence between internal and external policy even more apparent. To be a convincing global player the EU must speak with one voice, and protect universal values within as well as beyond its own borders. The Netherlands plays an active and constructive role in raising the issue of human rights, democracy and the rule of law for debate within the EU, as well as the impact of internal developments on our credibility in the rest of the world.

### *EU High Representative / Vice President*

The High Representative of the Union for Foreign Affairs and Security Policy and Vice-President of the Commission (HR), Federica Mogherini, again acted as the figurehead of EU human rights policy in 2015. She is supported in these efforts by the EEAS. The HR and the EEAS act within the framework set by the member states in the Council, including the Netherlands.

### *EU Special Representative for Human Rights*

The EU's Special Representative for Human Rights, Stavros Lambrinidis, has a mandate to work for EU human rights policy until 2017. He promotes the universality of human rights around the world, and also lobbies for coherence between the EU's internal and external human rights policy.

### *EU Strategic Framework and Action Plan on Human Rights and Democracy*

The Netherlands is keen for the EU to promote its human rights policy even more robustly and unanimously over the coming years. One key element of this is the Action Plan on Human Rights and Democracy that was adopted in July 2015. It sets out the EU's planned efforts on these matters over the period 2015-2019. The Netherlands worked very closely with the EEAS on the drafting of the Action Plan, lobbying successfully for the inclusion of action points concerning freedom of religion and belief, protection of journalists, efforts to implement UN Security Council resolution 1325 (on women, peace and security), the death penalty, business and human rights, human rights impact assessments, protection of human rights defenders, the elimination of discrimination against LGBTI people and prevention of the most flagrant human rights violations. Since the adoption of the plan, the Netherlands has naturally made efforts to ensure it is implemented, and will continue to do so.

In response to a request for a greater focus on public diplomacy from the European Parliament and the Council, including the Netherlands, in 2016 the EEAS published the *EU annual report on human rights and democracy in the world in 2015* earlier in the year than hitherto.

### *EU Guidelines*

The EU Guidelines indicate how EU delegations and embassies of EU member states can help promote and protect human rights. The Netherlands focuses in particular on the implementation of the Guidelines on online and offline freedom of expression, LGBTI people, freedom of religion and belief, human rights defenders and the death penalty. The Netherlands has been active in drawing attention to certain situations to ensure that the EEAS and member states adequately complied with the guidelines. In the Netherlands' view, sufficient regular contact with human rights defenders remains an important prerequisite for the implementation of the Guideline on the protection of human rights defenders.

The EU Guidelines on freedom of religion and belief were reinforced in 2015 with the adoption of a Guidance Note giving EU diplomatic missions practical tips on how to protect this freedom more effectively.

### *EU Human Rights Country Strategies and dialogues*

The EU Human Rights Country Strategies (HRCS) aim to coordinate all political, economic and other instruments used by EU delegations and by the diplomatic representations of the EU member states. The strategies set out priorities and goals for individual countries.

It is now four years since the strategies were introduced. The implementation of all 142 Human Rights Country Strategies was reported on in 2015. The reports made it clear that they make a major contribution to the effectiveness of EU human rights policy, enabling more targeted coordination within the Union. They have also improved the division of responsibilities and substantive coordination between the EU and the member states, as evidenced among other things by the increase in joint programming. The drafting of the strategies and the obligation to report annually has also had a positive impact on relations with local and international NGOs. The EEAS concluded this year that the standard of the reports has improved.

In 2015, the Council – with persuasive input from the Netherlands – succeeded in combining several reports. From spring 2016, therefore, the strategies will be renamed Human Rights and Democracy Country Strategies (HRDCS) and will also include a profile of the status of democracy in the country in question.

The EU engages in human rights dialogues and consultations with over 35 non-EU countries, both in the third countries and in Brussels, including in 2015. Dialogues took place with China, Turkmenistan, Vietnam, Ukraine, Japan, candidate countries and the African Union, plus other countries. The EU also talks to almost all the 79 ACP countries (sub-Saharan Africa, the Caribbean and the Pacific) about human rights, democracy, the rule of law and good governance as part of the 'article 8 dialogues' under the Cotonou Agreement.

The Netherlands expressly lobbies for NGOs and civil society to be allowed a clearer voice in these dialogues. Human rights organisations are involved both locally and in Brussels in drafting the agenda, and they always receive a debriefing afterwards. Delegation leaders also increasingly talk to NGOs during the dialogue. In 2015 seminars were organised by the EU and local human rights organisations parallel to ten dialogues at country level. Delegation leaders also talk with increasing frequency to the private sector, though this practice is not yet sufficiently embedded in the process.

#### *EU accession to the ECHR*

On 18 December 2014, in its Opinion 2/13, the European Court of Justice determined that the draft accession agreement reached at expert level between the EU and the Council of Europe is not compatible with EU treaties in several respects. The accession agreement has thus suffered significant delays. Accession of the EU to the European Convention on Human Rights and Fundamental Freedoms (ECHR), for which Commission Vice-President Frans Timmermans is responsible, remains a top priority of the Commission. The discussions at Council working group level have resumed in order to identify possible solutions to the points the Court raised in its Opinion. At the JHA Council the Netherlands indicated that during its Presidency it would take steps to advance the discussions at EU level in order to find solutions to the objections raised by the Court. As soon as the Commission distributes its analysis of the outstanding points they will be discussed in the appropriate Council working group.

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#### *Coherence between internal and external human rights policy*

The Government constantly endeavours to ensure coherence between the internal and external human rights policies of the EU. The Netherlands' approach combines 'practise what you preach' and 'preach what you practise'. The promotion of fundamental rights within and outside the EU is an intrinsic value and objective of the Union.

Greater coherence makes the EU's external action more credible. With regard to human rights within the EU, in 2015 the Council again adopted conclusions on the Commission's annual report on the application of the Charter of Fundamental Rights and the annual report of the EU Agency for Fundamental Rights.<sup>10</sup> The Netherlands made a constructive contribution to the discussions and welcomes the fact that the Agency's annual report was included in the Council conclusions for the first time.

#### *Dialogue on the rule of law*

At the meeting of the EU's General Affairs Council in November 2015, the first Rule of Law Dialogue took place under the Luxembourg Presidency. This dialogue mechanism was introduced in December 2014, partly at the initiative of the Netherlands. The aim is to raise developments

<sup>10</sup> doc. 9319/15

concerning and potential threats to the rule of law for discussion at Council level, and to work together to find solutions or take preventive action.

During this first dialogue, member states were asked to explore the theme of 'fundamental rights in a digital age' and to highlight one best practice and one national challenge. The Netherlands and a number of other member states explored the challenges associated with the refugee crisis and the long-term integration of immigrants. Other recurring issues were how to strike a balance between fundamental rights and security measures, and the delicate balance between freedom of expression and efforts to tackle hate crime.

This dialogue mechanism is independent of the Commission's Framework to strengthen the rule of law, which is intended for immediate structured dialogue with any member state where there is a systemic threat to the rule of law.

### **Financial support**

The European Instrument for Democracy and Human Rights (EIDHR) allows the EU to promote the development and consolidation of democracy and the rule of law, and respect for human rights and fundamental freedoms all over the world. In 2015, more than 260 new EIDHR initiatives in 125 countries were funded from a total budget of EUR 110 million. One focal point is worldwide support for human rights defenders, for which EUR 20.5 million was earmarked in 2014, and EUR 10.5 million in 2015.

The new Human Rights Defenders Mechanism, for which no less than EUR 15 million has been reserved, is intended to tackle the most challenging human rights situations in the world and support local actors attempting to promote and defend human rights. The instrument is the first of its kind, and is additional to existing support for human rights defenders under the EIDHR.

In addition, support (EUR 650,000) was provided from the EIDHR emergency fund in 87 individual cases where human rights defenders were under threat.

#### *European Endowment for Democracy*

The European Endowment for Democracy (EED) was established to support the development of democracy in neighbouring countries to the south and east of the EU. The EED had a budget of EUR 28 million for the period 2013-2015.

The organisation dealt well with what the Netherlands considered to be a somewhat hasty decision in 2015 to extend the mandate to the ring of countries just beyond the EU's southern and eastern neighbours, involving 15% of the budget. However, this expansion did lead to support being given to a number of independent Russian-language media initiatives, in response to a feasibility study largely funded by the Netherlands in support of such initiatives, which resulted in a detailed report proposing a number of creative solutions.

### 1.3 Council of Europe and European Court of Human Rights

For the Netherlands, the Council of Europe's (CoE) unique contribution is its monitoring of European standards in the field of human rights, democracy and the rule of law. This is reflected first and foremost in the European Convention on Human Rights (ECHR) and the enforcement of the Convention by the European Court of Human Rights (ECtHR) in Strasbourg. In 2015 the Netherlands again worked actively to ensure the effectiveness of the Council of Europe's human rights system in general, and the ECtHR in particular.

The Kingdom ratified protocol 15 to the ECHR on 1 October 2015. This protocol entails a number of procedural changes in the ECHR intended to guarantee the authority of the European Court of Human Rights, enhance the effectiveness of its judgments and streamline the application procedure. Protocol 16 to the ECHR is currently before the Dutch House of Representatives. It will make it possible for the highest national courts to seek advisory opinions on questions of principle from the ECtHR. The Netherlands also remains closely involved in the other action points in the reform agenda for the ECtHR, as laid down in the Brighton Declaration.

In March 2015, for example, the conference on Implementation of the European Convention on Human Rights: our shared responsibility, held during the Belgian Chairmanship of the Committee of Ministers, adopted a declaration underlining the importance of protecting the rights enshrined in the ECHR at national level.

In the context of reforms to the Court's procedures, in 2015 the Netherlands chaired a working group charged with making proposals for the longer-term future of the ECHR system. The report adopted by the working group in 2015 identifies challenges to the system and explores possible solutions within the existing ECHR structure, including with respect to the national implementation of the Convention, the workload of the Court and the legitimacy and execution of its judgments.

The Senate and the House of Representatives again received separate annual reports detailing the position of the Netherlands in international human rights procedures, both at the Court and at other international bodies with complaint procedures, including statistics and summaries of relevant judgments and decisions issued in 2015. The Court did not find a single violation of the ECHR by the Netherlands in 2015.

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The Netherlands chaired a working group that drafted a recommendation on human rights and business that was adopted by the Committee of Ministers on 7 March 2016. The Netherlands was also actively involved in drawing up a report by the Steering Committee on human rights in culturally diverse societies.

The Council of Europe helps its member states adapt their national legislation to bring it more into line with its recommendations. This could potentially strengthen the position (including the legal position) of minorities and LGBTI people. The Netherlands again lobbied actively for such a development in the CoE in 2015.

In 2015, the Netherlands ratified the Istanbul Convention, which aims to combat violence against women and domestic violence, and is encouraging other countries to do the same.

## 1.4 Organization for Security and Co-operation in Europe (OSCE)

In 2015, the human rights situation deteriorated in a large proportion of the OSCE region. Examples include the new restrictive legislation applying to NGOs in Russia, Central Asia and Azerbaijan, the rise of Neo-Nazism and the extreme right in countries like Hungary, Greece and Russia, and the curbing of freedom of expression in Turkey and other countries. Furthermore, there has been an increase in hate speech directed at refugees, in abuse of anti-terrorism legislation to intimidate and arrest human rights defenders, and in restrictions on the rights of LGBTI people and women in the name of traditional values. A report by the UN High Commissioner on National Minorities (HCNM) and the Office of Democratic Institutions and Human Rights (ODIHR) found that the human rights situation in Crimea, which was illegally annexed by Russia, is very poor and that an international presence on the peninsula is urgently needed to ascertain what is happening there.

There seems to be less and less scope for dialogue on human rights in the organisation, and the three independent institutions (HCNM, ODIHR and the Representative on Freedom of the Media (RfOM))<sup>11</sup> are coming under increasing pressure as their autonomous actions meet with the disapproval of a number of participating countries. In this context, the Netherlands has actively sought opportunities to promote discussion and monitoring of human rights in the region. The Netherlands has worked closely with the Representative on Freedom of the Media to improve the position of journalists, for example by organising a dialogue between Russian and Ukrainian journalists and promoting online freedom of expression in the Balkans.

At the annual Human Dimension Implementation Meeting (HDIM) in Warsaw, the Human Rights Ambassador made a number of strongly-worded statements on freedom of expression and on freedom of association and assembly. The latter statement specifically addressed the issue of equal rights for LGBTI people and human rights defenders. The Netherlands was also co-organiser of three side events: on media freedom in the digital age, with the Netherlands Helsinki Committee (NHC); on enforced disappearance with Norway, France and Switzerland; and on the situation of LGBTI people in Kyrgyzstan, Tajikistan and Ukraine.

At the annual OSCE Ministerial Council in Belgrade, the Netherlands expressed its concern at the shrinking scope for human rights defenders and NGOs to operate in the OSCE region and underlined the importance of the independent OSCE institutions. Unfortunately, no human rights decisions were adopted at this year's Council, reflecting the polarisation within the organisation.

### Financial support

This year, the Netherlands again supported an NHC project to enable NGOs and human rights activists to attend OSCE meetings. As part of this project, NGOs drafted joint recommendations on issues including the shrinking space in which they are obliged to operate and the protection of human rights defenders. They were presented to the Serbian Chairmanship (in 2015) and its successor, the German Chairmanship (in 2016).

In 2015, the Netherlands also used resources from the Human Rights Fund and the Stability Fund to finance a number of other projects to improve the human rights situation in the OSCE region. It provided support for human rights defenders in the form of advocacy training and capacity building for monitoring human rights situations; information on international standards pertaining to online freedom of expression was provided for government representatives, journalists, academics and others in the Balkans; and, as part of efforts to tackle impunity, measures were taken to improve access to the judicial system for the Serbian minority in Kosovo.

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<sup>11</sup> <http://www.osce.org/fom>

## 1.5 International Courts and Tribunals

### *Tackling impunity*

Tackling impunity and promoting the international legal order (the latter being enshrined in the Dutch Constitution) remain important elements of Dutch foreign policy. Genocide, war crimes and crimes against humanity must not go unpunished. The investigation and prosecution of those suspected of international crimes is first and foremost a matter for states at national level. However, if countries are unwilling or unable to prosecute, an international system is needed to prosecute and try offenders. The international courts and tribunals, including the permanent International Criminal Court, play a key role in this.<sup>12</sup>

### *International Criminal Court*

In 2015, the International Criminal Court (ICC), which is situated in The Hague, continued its investigations into nine situations on the African continent. They involve 18 cases that are at various stages of proceedings. In addition, in October 2015 the Prosecutor requested authorisation from the Pre-Trial Chamber to launch a criminal investigation in Georgia into suspected crimes subject to ICC jurisdiction committed during the armed conflict in and around South Ossetia, Georgia, between 1 July and 10 October 2008.<sup>13</sup> Authorisation was granted on 27 January 2016.

Since January 2015, the ICC's Prosecutor has also been conducting a preliminary examination of the situation in the Palestinian Territories since 13 June 2014. The Palestinian Authority acceded to the Statute of Rome in January 2015, becoming the 123rd State Party. In September 2015, Ukraine issued a second declaration accepting the jurisdiction of the ICC for an additional period, having initially done so during the period of the Maidan demonstrations (21 November 2013 to 22 February 2014). The second declaration accepts the jurisdiction of the ICC as regards alleged crimes committed from 20 February 2014 onwards. The Netherlands sponsored a number of briefings and seminars to encourage Ukraine to accede as a State Party.

In 2015, a number of African countries continued to criticise the ICC and support for the Court in Africa remained a focus of attention. In October 2015, along with Norway and the ICC, the Netherlands therefore supported a seminar designed to encourage States Parties to cooperate with the Court. The seminar, for participants at ministerial and senior official level from southern Africa, was held in Botswana.

### *United Nations Mechanism for International Criminal Tribunals*

Since 2012, the United Nations Mechanism for International Criminal Tribunals (MICT) has gradually taken over the tasks of the Rwanda tribunal (ICTR), which closed in 2015 and, since 2013, of the International Criminal Tribunal for the former Yugoslavia (ICTY), which is still active. Once the two tribunals have closed, the MICT will take over responsibility for appeals and important residual duties, such as witness protection, any review procedures and records management. On 22 December 2015, the UN Security Council decided to extend the appointment of 17 judges and the prosecutor at the ICTY by more than a year, to no later than 31 December 2016.

Two important judgments were handed down in March 2016. On 24 March, Radovan Karadžić was found guilty of crimes including genocide in and near Srebrenica. A week later the tribunal acquitted Vojislav Šešelj of war crimes and crimes against humanity.

### *Residual Special Court for Sierra Leone*

The parliamentary approval procedure for the interim headquarters agreement for the Residual Special Court for Sierra Leone (RSCSL) was completed in 2015 and ratification is likely to take place in the first half of 2016. The RSCSL is financially dependent on voluntary contributions from states. In practice, it has difficulty raising sufficient funds, and the mechanism experienced financial difficulties in 2015. The Netherlands therefore made a one-off contribution of EUR

<sup>12</sup> The Government's response to the IOB's review of the promotion of the development of the international legal order was submitted to the House of Representatives on 18 March 2016. See: House of Representatives, 2015–2016 session, 31 271, no. 22 ([link Kabinetsreactie](#))

([link naar IOB Beleidsdoorlichting](#))

<sup>13</sup> See the letter to the House setting out the latest situation regarding the International Criminal Court: <https://www.rijksoverheid.nl/regering/inhoud/bewindspersonen/ard-van-der-steur/documenten/kamerstukken/2015/11/04/kamerbrief-over-het-internationaal-strafhof>

500,000 on condition that the court actively seeks a structural solution to its funding problem. The RSCSL is currently investigating various options, including the possibility of partial integration into the MICT.

#### *Special Tribunal for Lebanon*

The start of the Hariri trial attracted a great deal of public attention in 2014. The suspects are being tried *in absentia*. The mandate of the Special Tribunal for Lebanon (STL) was extended for three years in 2015. On 14 May 2016, one of the five principal suspects was killed in an artillery attack on the Hezbollah military base near the airport in the Syrian capital Damascus. As host country, the Netherlands facilitates the operations of the STL, by paying the rent for its premises, for example.

#### *Chambres Africaines Extraordinaires*

The trial of Hissène Habré, the former dictator of Chad, at the Chambres Africaines Extraordinaires in Dakar, was delayed in 2015 by Habré's refusal to appear in the courtroom and a request for extra time submitted by the lawyers for the defence. The court is now expected to pass judgment by the end of May 2016. The Dutch embassy in Dakar is following the trial closely, and supports the tribunal's outreach campaign, which is seeking to ensure balanced reporting on the case in Chad and Senegal.

#### *Other initiatives*

In 2015, the Netherlands also drew attention at EU and UN level, and in its bilateral contacts, to the need to tackle impunity. It again used the UN Human Rights Council's Universal Periodic Review to ask countries about their intentions concerning ratification of the Rome Statute. An expert meeting on the gathering and documentation of evidence of war crimes for organisations active in Syria was held in February 2015.

In June 2015, the Netherlands joined with Belgium and Luxembourg in initiating a letter calling on the UN Security Council to take action against the use of barrel bombs by the Syrian regime. The letter was signed by 71 countries, including three permanent members: the US, the UK and France.



## 2. Dutch human rights priorities

### 2.1 Human rights defenders

Human rights defenders are vital to efforts to achieve lasting change and more open and free societies. Support for and protection of human rights defenders remained a key priority in 2015. The Netherlands made every effort, often in an EU context and in collaboration with like-minded partners, to ensure they – both individuals and organisations – could continue their important work safely. Human rights defenders are under great pressure in many countries and in many places the space for civil society continues to shrink. A number of governments are adopting legislation that dramatically curtails the rights and freedoms of human rights defenders. Many are subjected to harassment and arbitrary arrest, and some have even been murdered.

*'Human rights defenders worldwide prove daily that human rights are more than words on paper, more than treaties and conventions... The lack of observance of human rights is a daily reality a lot of people face, which human rights defenders address. That is why it is one of the main priorities of the Dutch human rights policy to make sure human rights defenders can do their work safely and unhindered.'*

**Minister Koenders** at the screening of *A Burden of Peace*, about Claudia Paz y Paz of Guatemala. Movies that Matter film festival, 21 March 2015.

#### Multilateral efforts

The resolution on human rights defenders was on the agenda of the Third Committee of the UN General Assembly. The negotiating process was led by Norway. Unfortunately, the passage from previous resolutions about positive responses to requests for visits by the UN Special Rapporteur was weakened. The text does, however, include some important sections on tackling impunity for those who threaten human rights defenders and their families, and calls upon states to release human rights defenders who have been arrested for exercising their rights. The responsibility of companies to organise meaningful consultations with human rights defenders and to identify and address potential negative implications for human rights is also highlighted.

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#### Bilateral efforts

##### *Expansion of Shelter City*

The expansion of Shelter City continued in 2015.<sup>14</sup> Human rights defenders were provided with temporary shelter in six cities (The Hague, Middelburg, Maastricht, Utrecht, Nijmegen and Amsterdam). Tilburg also decided to become a Shelter City in 2015. The Netherlands actively shares its experience of Shelter City with the EU and UN, to encourage other countries to set up similar programmes.

##### *Efforts by embassies*

Most bilateral efforts are in the hands of Dutch embassies, working both in the spotlight and behind the scenes. Dutch diplomats were in contact with human rights defenders and offered support and protection where necessary, often in an EU context and with like-minded countries, under the guidance of the EU Guidelines on Human Rights Defenders.

#### **Ensuring protection: EU Guidelines on Human Rights Defenders<sup>15</sup>**

Support for human rights defenders has long been a permanent element of the EU's external human rights policy. The purpose of these Guidelines is to provide practical suggestions to improve EU action in this field. They can be used in contacts with third countries at all levels and in multilateral human rights forums to support and strengthen the efforts of the Union in promoting and encouraging respect for the right to campaign for human rights. The Guidelines also set out steps the Union can take when human rights defenders are in danger and suggest practical ways of supporting and assisting them.

<sup>14</sup> The Shelter City programme was launched in The Hague in September 2012. By way of practical support, human rights defenders are offered temporary shelter in the Netherlands to give them time to recuperate.

<sup>15</sup> <http://bit.ly/1Q2Hk94>

One important element of the Guidelines is support for the special procedures of the UN Human Rights Council, particularly the Special Rapporteur on the situation of human rights defenders, and for suitable regional mechanisms to protect human rights defenders. The Guidelines help EU missions (embassies and consulates of EU member states and EU delegations) to determine their course of action on human rights defenders. Although the main aim is to tackle specific problems affecting human rights defenders, the Guidelines also help strengthen the EU's human rights policy as a whole.

Silent and public diplomacy are deployed for this purpose, the main criterion being effectiveness. Representatives of the Netherlands attended trials of human rights defenders in the Democratic Republic of Congo, Russia, Saudi Arabia, Morocco, Egypt, Azerbaijan, Sudan and other countries. Although foreign observers are rarely permitted to attend trials of human rights defenders in China, the Dutch embassy regularly attempts to do so, in an EU context. It did so, for example, in the case of Gao Yu (a retired journalist who was sentenced to seven years by a court of first instance for sharing a Party document with the foreign press) in April, and of Pu Zhiqiang (a human rights lawyer) in December. Again, attempts to gain access to the courtroom were unsuccessful. However, the effort is greatly appreciated by human rights defenders.

Embassies use their delegated budget from the Human Rights Fund to support human rights defenders' projects. For example, the Dutch embassy in DRC supported a Justice and Peace project in which Dutch lawyers helped their Congolese counterparts. The Congolese lawyers, who are regularly threatened because of the work they do, are now more aware of their rights and are acquiring new knowledge they can use in their defence of human rights defenders. During their visits, the ministers, the Human Rights Ambassador and other senior officials spoke to human rights defenders and shared their concerns with the authorities

In August 2015, foreign minister Bert Koenders publicly condemned the long sentences imposed on Leyla and Arif Yunus in Azerbaijan. They were released on parole in December 2015.

In the period around Human Rights Day (10 December) over 40 embassies screened films about human rights, often in combination with a debate to which human rights defenders were invited. The films were distributed by Movies that Matter.

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On 9 December 2015, the Dutch embassy in Beijing screened *Timbuktu* to mark Human Rights Day. The film is about the town of the same name in Mali, which is controlled by IS fighters. New rules have led to absurd sentences being passed by an improvised tribunal there.

### *Human Rights Tulip*

In 2015 the Human Rights Tulip was awarded to IRA Mauritania, an anti-slavery organisation. The award acknowledges the organisation's work and the prize money will enable it to expand its activities. During the award ceremony, Bert Koenders expressed his admiration for the organisation, underlining the important role of human rights defenders and civil society in the fight against terrorism: 'In the fight against terrorism, human rights defenders are our allies'.

### **Financial support**

Projects funded from the centrally administered portion of the Human Rights Fund in 2015 included:

- the East and Horn of Africa Human Rights Defenders programme, designed to protect and build capacity for human rights defenders in this region;
- a project by the Netherlands Helsinki Committee focused on supporting human rights defenders in several post-Soviet countries, including assistance with communication strategies;
- the Movies that Matter international programme, which supports human rights film festivals around the world, providing advice on content, giving workshops for new festival organisers and assisting with funding;
- the Hague Training Course for Human Rights Defenders on Security, organised by Justice and Peace in collaboration with partners, which teaches human rights defenders how to protect themselves and have effective influence.

## 2.2 Equal rights for LGBTI people

A world in which everyone is able to be themselves, irrespective of who they are and who they love: this was once again the main thrust of Dutch LGBTI policy in 2015. In many parts of the world lesbian, gay, bisexual, transgender and intersex (LGBTI) people still face discrimination and exclusion on a daily basis. Lesbian and trans women, in particular, are the target of violence to a disproportionate extent. There is often no adequate registration or prosecution of such incidents. In 2015 homosexuality was still a crime in more than 75 countries, and new anti-gay propaganda legislation was proposed in Kyrgyzstan and other countries. Intersex is associated with stigma; it is a taboo issue about which a great deal of ignorance exists, so human rights violations based on sexual characteristics rarely receive the attention they deserve.<sup>16</sup>

There were some positive developments, however. Encouraging court judgments were passed in Botswana and Kenya giving LGBTI organisations the right to register. In December 2015, the Malawian justice minister said that the law making homosexuality a criminal offence would no longer be enforced because it was incompatible with international agreements to which Malawi is party. Same sex marriage was introduced in Ireland following a referendum, and in the United States as a whole after a Supreme Court ruling. In many countries LGBTI organisations are growing stronger, and they are better able to stand up for their rights. However, in some cases their greater visibility does lead to public resistance, polarisation and anti-LGBTI rhetoric.

### Multilateral efforts

#### *United Nations*

The Netherlands continues to play a leading international role when it comes to LGBTI rights. The LGBT Core Group at the United Nations, which the Netherlands chairs along with the EU Delegation, raised the issue several times in 2015.

On 24 August 2015, the rights of LGBT people were discussed for the first time at an Arria-formula meeting, on Vulnerable Groups in Conflict: ISIL's Targeting of LGBT Individuals.<sup>17</sup>

A ministerial meeting on equal rights and inclusion for LGBTI people in the post-2015 agenda was held in the margins of the United Nations General Assembly in September. On 10 December, International Human Rights Day, the Core Group organised a meeting on the economic cost of excluding LGBT people.

The Netherlands regularly calls countries to account over the protection of LGBTI rights during the Universal Periodic Review that every UN member state undergoes. In 2015 it did so during the UPR of Jamaica, Mongolia, Malawi and other countries.

In one important development in 2015, all 12 UN entities<sup>18</sup> issued a unique joint declaration condemning violations of the human rights of LGBTI people.<sup>19</sup> The declaration underlines the fact that denying equal rights to lesbian, gay, bisexual, transgender and intersex people has a major negative impact on society and can lead to health problems, social and economic exclusion and tensions within families and the community.

#### *Organization for Security and Co-operation in Europe (OSCE)*

Although equal rights for LGBTI people is a sensitive issue at the OSCE, the Netherlands continues to raise it for discussion within the organisation as part of existing commitments to tolerance and non-discrimination. At the HDIM in September 2015, the Netherlands condemned the worrying trend towards curbing LGBTI people's freedom of expression and association in some countries in the OSCE region.

#### *Council of Europe*

<sup>16</sup> The rights of people with an intersex condition are now an integral part of Dutch human rights policy. The term LGBTI is therefore used to refer to general Dutch efforts. Many countries focus little or no attention on this issue, however, and organisations currently campaign only for LGBT people. Where this is the case, the term 'LGBT' is used.

<sup>17</sup> <http://www.un.org/en/sc/about/methods/bgarrformula.shtml>

<sup>18</sup> UNAIDS, UNICEF, WHO, Unesco, UN Women, OHCHR, UNDP, UNHCR, UNFPA, WFP, UNODC and ILO.

<sup>19</sup> This can be found on the OHCHR website: [http://www.ohchr.org/Documents/Issues/Discrimination/Joint\\_LGBTI\\_Statement\\_ENG.PDF](http://www.ohchr.org/Documents/Issues/Discrimination/Joint_LGBTI_Statement_ENG.PDF).

The Netherlands continues to lobby with other member states at the Council of Europe for equal rights for LGBTI people to become a mainstream element of the work of the Council. An LGBT expert was seconded from the Dutch Ministry of Education, Culture and Science in 2015, and the Ministry of Foreign Affairs supported the European Commission against Racism and Intolerance in its efforts to monitor the situation of LGBT people in the member states.

#### *European Union*

In 2015 the Guidelines on equal rights for LGBTI people adopted by the Council of the European Union in 2013 continued to form the basis of the EU's external LGBTI policy. The issue was raised during the EU human rights dialogues with a number of countries, including Turkmenistan and Mexico. At the 28th session of the UN Human Rights Council, all 28 EU member states supported a Joint Declaration on ending violence and discrimination based on sexual orientation and gender identity. LGBTI organisations receive support in the fight against discrimination all over the world under the European Instrument for Democracy and Human Rights (EIDHR). However, the Netherlands feels that more could and should be done at EU level, and drew attention to the matter a number of times in 2015, including in the Council Working Party on Human Rights.

Another cause for concern is the absence of a coherent policy within the EU itself. The LGBTI action plan presented by the European Commission on 7 December 2015 is a step in the right direction. However, the Council failed to adopt Council conclusions on it on 7 March 2016 due to the objections of one member state. The Netherlands continues to call for mutual recognition of same sex marriages in the European Union. The Dutch Ministry of Education, Culture and Science also seconded an expert on equal rights for LGBTI people to the European Commission in 2015.

#### **Bilateral efforts**

The Human Rights Ambassador regularly raises the matter of equal rights for LGBTI people during his bilateral visits. In 2015, he did so in Kazakhstan, Senegal and the Philippines, for example. Many embassies organised activities to draw attention to the rights of LGBTI people in connection with the International Day Against Homophobia, Transphobia and Biphobia (IDAHOT) on 17 May.

During Amsterdam Gay Pride 2015, a group of LGBTI activists paid the traditional visit to the Netherlands as part of the Ministry of Foreign Affairs' Influentials Programme, which is run by RVO.nl in collaboration with the Ministry of Education, Culture and Science. This year, activists from Indonesia, Jordan, Zimbabwe, Ukraine and other countries attended the study programme. A number of LGBTI human rights defenders also spent some time in the Netherlands as part of Shelter City.

#### **Financial support**

The Netherlands used its Human Rights Fund to support a number of specific projects designed to improve the situation of LGBTI people all over the world. Working with COC Netherlands (Dutch Federation for the Integration of Homosexuality), the government provided support for projects focused on the dialogue between homosexuality and Islam, training to enable activists to represent LGBTI interests internationally, and efforts to strengthen the LGBTI movement in Armenia, Azerbaijan, Belarus, Georgia, Russia and Ukraine. Oxfam Novib implemented a project focused on the situation of LGBTI people in Pakistan, South Africa and Zimbabwe. A project that aims to work on a dialogue on sexual orientation and gender identity in the Christian community in southern Africa was given support in collaboration with the Inter-Church Organisation for Development Cooperation (ICCO).

*The situation for LGBTI people in Armenia, Azerbaijan, Belarus, Georgia, Russia and Ukraine is far from rosy. Since 2014, therefore, the Netherlands has been supporting a project set up by the Lesbian, Gay, Bisexual, Trans and Intersex Association (ILGA) Europe and COC Netherlands designed to strengthen the LGBT movement in those countries. The strategy is to recruit organisations that do not specifically focus on LGBT people in the fight for equal rights as partners and allies. The project enabled DOTYK of Belarus, for example, to organise an exhibition on the position of LGBT people at the Center of Modern Art in Minsk.*

**Ana Lok** (Co-chair of DOTYK): 'Allies in Action is an innovative programme for developing cooperation and partnership with potential allies. Thanks to the support of this project, DOTYK was able to improve cooperation with the Center of Modern Art in Minsk in promoting and advocating for LGBTQ rights and queer topics in public spaces. It will be the first project/exhibition on this topic on a governmental space in Belarus. We believe that the language of art/art-activism is a good tool for promotion and advocacy of LGBTQ rights in our context. We are so happy that we are one of the first participants of this programme.'

**Ana Lok** is director of the DOTYK queer film festival in Minsk, curator and art activist.

As a member of the Strategic Partnership in the new Dialogue and Dissent policy framework, over the next five years COC Netherlands will receive EUR 3.6 million a year for capacity building at LGBTI organisations in low- and middle-income countries in Asia, Africa, the Middle East and the Caribbean.

One of the focuses of the anti-HIV/AIDS project Bridging the Gaps is men who have sex with men (MSM). The Funding Leadership and Opportunities for Women fund (FLOW), which is concerned with the position of women and girls in low- and lower-middle income countries, supports activities designed to enhance the visibility and/or safety of lesbian, bisexual and transgender women.

A number of smaller Matra projects also aim to promote equal rights for LGBTI people.<sup>20</sup> Such small-scale efforts can have a major impact, particularly in countries where the LGBTI movement is still in its infancy.

<sup>20</sup> Matra = Social Transformation Programme.

See: <https://www.rijksoverheid.nl/onderwerpen/europese-subsidies/inhoud/nederlands-fonds-voor-regionale-partnerschappen-nfrp/nfrp-matra-subsidie>

## 2.3 Equal rights for women

Both the Minister of Foreign Affairs and the Minister for Foreign Trade and Development Cooperation have designated women's rights and gender equality as one of the priority themes of their policy. Dutch efforts focus on tackling violence against women, strengthening women's leadership and political participation, following up on UN Security Council resolution 1325, and women's economic self-reliance.

### *Tackling violence against women*

Violence against women and girls is a human rights violation which, as well as causing physical injury and emotional damage, also entails economic and social costs. Violence is one of the main obstacles to women's individual political and economic development. The promise of zero tolerance must now be transformed into effective action, and the Netherlands has made its contribution to this process with its consistent gender diplomacy and targeted efforts in international negotiations and forums, and through its programmes.

The Netherlands ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence on 15 November 2015. The Convention entails an obligation to take effective measures to prevent and tackle violence against women. The Netherlands also made a financial contribution in support of the Council of Europe's Parliamentary Assembly's efforts to promote the Convention among parliamentarians in the member states. The Dutch government also supported the third World Conference of Women's Shelters organised by the Global Network of Women's Shelters, which was held in The Hague in November 2015.

### *Preventing child marriage*

The Netherlands works with countries like Canada and the United Kingdom, plus UN agencies, private donors, alliances of Dutch NGOs and the international NGO network organisation Girls Not Brides in the fight against child marriage. In October 2015, a group of Dutch NGOs and the Ministry of Foreign Affairs organised a conference, to share experiences and identify best practice.<sup>21</sup> The speakers included Princess Mabel of Orange-Nassau of *Girls Not Brides* and Princess Viktória of Bourbon Parma, patron of Save the Children. The Netherlands also supports the UNFPA-UNICEF Global Programme to Accelerate Action to End Child Marriage. With its efforts at various levels (from NGOs to UN agencies), the Netherlands has managed to bring various different organisations together and exert influence in various forums to push the issue of preventing child marriage high up the international agenda, and ensure it stays there. This is necessary because effectively tackling child marriage will require awareness at various levels of society, as well as political will at the highest level.

### *Sexual violence in conflicts*

In 2015, the Netherlands supported programmes to combat sexual violence in conflict situations, for example in Mali, by seconding a senior expert to head the gender unit at the UN mission in the country (MINUSMA). The Netherlands is also providing extra staff for the UN mission in the Democratic Republic of Congo (MONUSCO), with the additional secondment of civilian experts as Women's Protection Advisors. UN peace missions often have a shortage of capacity on gender issues, and providing this expertise puts UN troops in a better position to implement their mandate to protect civilians, tackle sexual violence and support victims.

Pre-deployment training for peacekeeping forces is vital if sexual violence in conflict areas is to be tackled effectively. In 2015, the Netherlands supported a UN Women pilot training programme in which female army officers were able to develop specific technical skills relevant to their work on peace missions, such as providing support for victims of sexual violence. The training programme is additional to existing Dutch-supported courses on gender in missions and the training of civilian and military staff for peace missions.

### *Women, peace and security*

2015 was an important year for the women, peace and security agenda. Fifteen years after the adoption of UN Security Council resolution 1325, progress (or the lack of it) in this field was discussed, with the Security Council according the situation of women and girls in conflict situations a high place on the agenda. In February the Netherlands hosted a two-day expert conference entitled 'Women: Powerful Agents for Peace and Security', which was attended by

<sup>21</sup> Lifting the Veil, expert meeting on child marriage: symposium, The Hague, 7 October 2015.

more than 200 delegates from over 30 countries.<sup>22</sup> The event provided an opportunity for women in countries in conflict to say how implementation can be improved. The outcomes were incorporated into the Global Study on the Implementation of United Nations Security Council Resolution 1325, which was the basis of an Open Debate in the Security Council on 13 October 2015. On this occasion, UN member states met to discuss how women can be better involved in peace and security processes, and adopted Security Council resolution 2242, which was co-sponsored by the Netherlands. This resolution emphasises the importance of better cooperation within the UN secretariat and UN agencies, the integration of the 1325 agenda into counterterrorism activities and the importance of having more women in senior positions at the UN, and on missions and operations.

Fifteen years after the adoption of the resolution it is clear that much remains to be done to translate the ambitions set out in the various resolutions into specific activities and results for women in conflict zones. Women are still inadequately represented on peace missions and in peace talks, and women's rights are being restricted by the emergence of extremist groups. Violence against women is being used as an instrument of war.

As part of the second Dutch National Action Plan on Resolution 1325 programmes were carried out to promote political participation and leadership by women in Afghanistan, Burundi, the Democratic Republic of Congo (DRC), South Sudan, Sudan, Colombia and the Middle East and North Africa region (MENA). Thanks partly to Dutch efforts, women in Colombia are now closely involved in the peace process. Women in several countries in the MENA region were trained in political activism. A programme to offer women better protection against sexual violence was set up in DRC.

The third National Action Plan (2016-2019) was presented in early 2016. It emphasises cooperation with local women and their organisations, and connecting specific activities in a limited number of countries with the Netherlands' diplomatic efforts and the lobbying activities of civil society signatories.<sup>23</sup> One example is the Dutch support given to women's rights groups in Iraq for their lobbying to have the Iraqi National Action Plan implemented.

The Netherlands supported a group of Syrian women from the Syrian Women's Initiative for Peace and Democracy when they participated in discussions on the future of Syria. A number of women from the group joined the Women's Advisory Board established by UN Women at the request of the UN Special Envoy for Syria, Staffan de Mistura, with the support of the Netherlands. The group is closely involved in the Geneva peace talks on Syria.

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#### *Sexual and reproductive health and rights*

The Netherlands has worked systematically to get sexual and reproductive health and rights on the international agenda, and make sure the issue remains there. In 2015 the Ministry of Foreign Affairs entered into new partnerships with alliances of NGOs campaigning on issues like access to information on sexuality and health, young people's involvement in the development and implementation of policy that impacts on their sexual and reproductive health, HIV/AIDS prevention and care of at-risk groups, and tackling child prostitution. These partnerships provide an insight into opportunities, priorities and obstacles relating to the improvement of observance of sexual and other rights, which the Netherlands uses in international talks and processes such as the Human Rights Council's Universal Periodic Reviews.

### **Multilateral efforts**

#### *UN*

One of the most important results in 2015 of the Netherlands' efforts to strengthen gender equality and women's rights was the inclusion of an independent gender goal (SDG 5) in the Sustainable Development Goals (referred to below as the Global Goals) and the integration of a gender perspective into other goals.<sup>24</sup>

<sup>22</sup> Women: Powerful Agents for Peace and Security: symposium, The Hague, 16-17 February 2015

<sup>23</sup> The focus countries in the third National Action Plan on Women, Peace and Security are Afghanistan, DRC, South Sudan, Libya, Yemen, Iraq, Syria and Colombia.

<sup>24</sup> The Global Goals, or Sustainable Development Goals (SDGs), are the result of talks between the UN member states. They were adopted by consensus at the SDG summit in New York in September 2015.

This was the culmination of the Netherlands' consistent efforts in international talks conducted in multilateral forums, particularly the OECD's Network on Gender Equality, and its collaboration with civil society organisations. The Netherlands pressed in particular for the inclusion of the ambition to eliminate all forms of violence against all women and girls in the public and private spheres, with a particular focus on measures to tackle child marriage, female genital mutilation and trafficking in women. The success of these efforts signifies a marked improvement on the Millennium Development Goals, where the gender goal included no mention of violence. Efforts to include sexual and reproductive health and reproductive rights in the new agenda were also successful, though the inclusion of sexual rights proved a bridge too far.

The Netherlands, Canada and the Organisation Internationale de la Francophonie again organised a course on women's rights for delegations to the Human Rights Council, in collaboration with OHCHR and the Graduate Institute of International and Development Studies. The course was intended for all missions in Geneva, and attracted participants from all continents. It helps women's rights become better embedded in the work of the Human Rights Council, ensuring that parties are better informed about existing conventions and are less influenced by cultural differences. As a result, decisions are better in terms both of their content and of their implementation.

At the Third Committee of the UN General Assembly the Dutch women's representative gave a passionate speech about equal rights for women in which she drew attention to the rights of LBT women. Her speech was very well received.

#### *Universal Periodic Review*

The Netherlands often uses the Universal Periodic Review (UPR) to bring the position of women to the immediate attention of other UN member states. A substantial proportion of Dutch recommendations concern women's rights: 19 of the 42 recommendations made in 2015.

#### *EU*

The Netherlands also represented the European Union in talks on the Human Rights Council resolution on violence against women, which this year focused on domestic violence. It was the first time that the HRC had discussed this specific issue. The resulting wording devoted sufficient attention to sexual and reproductive health and rights. The Netherlands also lobbied within the European Union for the appointment of a senior advisor on Women, Peace and Security in the European External Action Service (EEAS).

### **Bilateral efforts**

Embassies again worked to achieve equal rights for women in 2015, using the expert advice on women's rights and integration of gender goals and the external gender expertise available in the Gender Resource Facility. The Facility helped the embassy in Burundi draft a regional programme for promoting women's rights and sexual and reproductive health in the African Great Lakes Region, for example.

The Ministry of Foreign Affairs' Women's Rights and Gender Equality Task Force (TFVG), established in spring 2014, played a crucial role in coordinating the ministry's international gender policy over the past year.

### **Financial support**

The Netherlands finances a range of women's rights projects all over the world through its FLOW fund (Funding Leadership Opportunities for Women), the SRHR fund, programmes in the context of Dialogue and Dissent and a number of other activities paid for from the Human Rights Fund.

#### *FLOW fund*

FLOW (Funding Leadership Opportunities for Women) is the world's biggest fund for women's rights. Between 2012 and 2015, the fund was used to support civil society organisations around the world whose main focus is promoting leadership and political participation by women. Its programmes train female candidates for public office, provide leadership development programmes and build capacity for politics, gender and human rights. FLOW programmes also aim to combat violence against women and promote economic participation by women. One example of an activity supported by the fund in 2015 is the legal literacy training in Eastern Ghana organised by Women in Law and Development in Africa (WILDAF), which teaches women to stand



up for their own rights and those of their communities, including land rights. After training the women are able to serve as leaders in their communities.

#### *Preventing child marriage*

From 2014 to 2017 the Netherlands is contributing EUR 5 million a year to the Global Programme for Accelerating Action to End Child Marriage run by UNICEF and UNFPA. In the context of its SRHR partnership funds (2016-2020) the Netherlands is financing three Dutch NGO alliances aimed at ending child marriage, to the tune of EUR 75 million in total. The aim is to make adolescent girls and young women more self-reliant, and to encourage changes in social norms concerning gender equality in order to eliminate child marriage, teenage pregnancy and sexual violence. The Netherlands has also decided to enter into partnership with the international NGO network Girls not Brides. It will make a total of EUR 2.5 million available for five years to fund this effort.

#### *SRHR*

The Netherlands spent a total of EUR 372 million globally as part of its rights-based approach to sexual and reproductive health and rights (SRHR), including HIV/AIDS.

#### *Human Rights Fund*

The Netherlands used its centrally administered Human Rights Fund in 2015 to contribute to the promotion of political participation by women (in India, Bangladesh, Kenya, Colombia, Tunisia, Iraq and the Palestinian Territories), prevention of violence against women (in Iraq, the Palestinian Territories, Mexico, Cuba, Colombia) and action to end female genital mutilation by supporting human rights defenders (in Egypt, Ethiopia, Kenya, Sudan). Embassies also supported local women's rights organisations.

#### *UN contributions*

The Netherlands again contributed to UN Women (EUR 8.6 million in 2015), the UN agency dedicated to advancing gender equality and equal rights for women by such means as stronger female leadership (including in conflict situations), political participation by women, economic empowerment and combating violence against women. The Netherlands also makes an annual contribution to the UN Trust Fund to End Violence against Women (EUR 2 million in 2015). This fund focuses especially on vulnerable groups such as refugees and women and girls in conflict and post-conflict situations.

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In addition to its regular voluntary contribution, the Netherlands also contributed to the Office of the High Commissioner for Human Rights' (OHCHR) gender programme. In 2015 this contribution was used to tackle gender stereotyping in the West African media and to promote gender-sensitive redress for victims of sexual and other gender-related violence in Guatemala. OHCHR also used the Dutch contribution to support human rights bodies' efforts to further develop a normative framework for women's rights, including the updating of recommendation 19 (on violence against women) of the UN Committee on the Elimination of Discrimination against Women (CEDAW). OHCHR activities always pay particular attention to the situation of female human rights defenders.

## 2.4 Most serious violations

Although all human rights violations have grave implications for both individuals and society, the most serious violations (particularly the death penalty, torture, extrajudicial executions, forced disappearances, genocide, war crimes and crimes against humanity) strike at the very essence of human dignity. The Netherlands therefore works hard to combat such violations. To reinforce its efforts, the Netherlands endeavours to act as often as possible in conjunction with the EU or UN, but it also regularly raises the issue in its bilateral contacts.

### 2.4.1 Death penalty

#### Multilateral efforts

EU High Representative Federica Mogherini campaigns personally for the global abolition of the death penalty. In 2015, partly at the instigation of the Netherlands, she issued statements condemning executions in a number of countries, including Belarus, Iran, Egypt, Pakistan and Singapore. EU demarches were delivered in several cases. The High Representative also welcomed the decisions by Mongolia and Suriname to abolish the death penalty.

On 10 October, to mark World Day Against the Death Penalty, the EU High Representative and the Secretary-General of the Council of Europe issued a joint statement strongly condemning the death penalty in all cases and in all circumstances, and declaring their goal of securing abolition all over the world. In particular, they urged the authorities in Belarus to introduce a moratorium on the death penalty as a first step towards abolition. They also expressed their concern at the growing number of executions for drug crimes, particularly in the case of minors, which is a violation of international law.

#### Bilateral efforts

Countries that still actually carry out the death penalty have been in the minority for years. More than half the countries in the world have banned the death penalty, and others have introduced a moratorium. A number of countries abolished the death penalty in 2015: Suriname, Fiji, the Republic of Congo and Madagascar. However, countries like Indonesia and Pakistan have lifted the moratorium in drugs cases and for crimes related to terrorism. The number of executions in Iran, Saudi Arabia and Pakistan was higher than in 2014 and mass executions are becoming more common. The majority of executions still take place in China, Iran, Saudi Arabia, Pakistan and the United States.

The Netherlands continues to speak out against the imposition and execution of the death penalty.

The Human Rights Ambassador regularly calls countries to account for carrying out the death penalty. The issue was explicitly raised during his visits to Pakistan, Botswana, Indonesia and other countries. The Human Rights Ambassador also regularly draws attention to individual cases in which the death penalty has been imposed, irrespective of nationality.

Dutch embassies are also tasked with monitoring national developments concerning the death penalty and, where necessary, bringing individual cases to the attention of the appropriate authorities.

### 2.4.2 Responsibility to protect

2015 was the tenth anniversary of the World Summit in New York where heads of government unanimously acknowledged the responsibility of states to protect populations from international crimes: genocide, crimes against humanity, war crimes and ethnic cleansing (mass atrocities).

As co-chair of the Group of Friends (GoF) of Responsibility to Protect (RtoP), the Netherlands played a key role at the United Nations in New York and Geneva in tabling the issue of RtoP, and engendering and maintaining support for it.

During the ministerial week of the 2015 UN General Assembly in New York, as in previous years, the Netherlands organised a prominent RtoP event attended by Deputy Secretary-General Jan Eliasson and the Special Advisers on the Prevention of Genocide and RtoP, plus a number of ministers. The aim of the session, which focused on links between RtoP and other civilian protection concepts, was to reaffirm at a high level the political will to protect populations from violence and human rights violations.

Over the next ten years, RtoP must also become the norm beyond the context of the UN in New York. Special attention should therefore be focused in the coming years on putting into practice measures to prevent genocide, crimes against humanity and war crimes (international crimes). The Netherlands worked hard to make this a reality in 2015, in both a bilateral and a multilateral context.

In November 2015, a Group of Friends of RtoP was established in Geneva which, like its counterpart in New York, is chaired by the Netherlands and Rwanda. This coalition of around 50 like-minded countries aims to ensure that protection from mass atrocities features more prominently on the agenda of the UN institutions in Geneva, including the Human Rights Council and the associated treaty bodies and organisations like UNHCR.

The first meeting of the Geneva GoF RtoP was very well attended. All those present acknowledged the importance of efforts in Geneva to prevent international crimes.

In Geneva the Netherlands was one of the driving forces behind the special session of the Human Rights Council held in December 2015 to discuss the escalating situation in Burundi, where widespread violence affects much of the population. The session resulted in a strongly worded resolution condemning the violence and calling upon the government to live up to its responsibility to protect the population. One of the concrete results is that OHCHR observers are to travel to Burundi to monitor the situation.

Thanks in part to the Netherlands, incoming Human Rights Council member Burundi was also reminded in the resolution of the example HRC members are supposed to set in terms of respect for and implementation of human rights conventions. The Netherlands conducted the dialogue with Burundi (under article 96 of the Cotonou Agreement) in Brussels on behalf of EU High Representative Federica Mogherini. The Netherlands is also campaigning in Brussels for a more visible role for the EU in RtoP.

Thanks also in part to sustained pressure from the Netherlands, the High Representative appointed a senior official to the post of RtoP Focal Point – the point of contact on the EU's RtoP policy both within and outside the organisation. This means that the EU will work in a more focused way on its own RtoP policy, and also that protection and prevention of international crimes will be accorded a more prominent role in other areas, such as conflict prevention policy.

## 2.5 Freedom of expression and freedom of the internet

### 2.5.1 Freedom of expression

All over the world, freedom of expression and freedom of the media are under pressure. In 2015 freedom of the press reached a ten-year low point worldwide. Only one in seven people live in a country where a free press is commonplace. Nor is the situation online much better, with over 60 countries practising online censorship. The Netherlands' focus is on the safety of journalists and bloggers, promoting media diversity and quality and strengthening connections between traditional and new media. The Netherlands draws international attention to the safety of individual journalists, in a multilateral context where possible (via the EU, UNESCO, UN HRC), and bilaterally where necessary, including via its embassies and the Human Rights Ambassador.

#### Multilateral efforts

The Netherlands is pleased with the success of its lobbying for human rights to be included in the SDGs. This is an important improvement on the Millennium Development Goals (MDGs). For example, fundamental freedoms and public access to information are explicitly mentioned in target 16.10.

##### *UN Security Council*

On 27 May 2015, the UN Security Council unanimously adopted resolution 2222 condemning the growing violence against journalists and calling for their protection. The Netherlands sponsored this resolution and issued a national declaration to underline the importance of this issue. This is the second time that the UN Security Council has adopted a specific resolution on violence against journalists; the first was in 2006.

##### *OSCE*

The Netherlands greatly values the post of OSCE Representative on Freedom of the Media. Media freedom is under great pressure in some OSCE member states and the independent position of the OSCE Representative needs defending. The post is currently held by Dunja Mijatović. Her mandate was due to end in March 2016, but has now been extended for a year. As one of the Friends of the Chair, the Netherlands took on responsibility for finding a suitable successor.

#### Bilateral efforts

##### *Arc of instability around Europe*

Protection of freedom of expression, including press freedom and the safety of journalists, remains essential, particularly in the arc of instability around Europe.

Since 2015, the Netherlands has been supporting a project in Ukraine of the Institute for War and Peace Reporting. The project trains journalists from all over Ukraine, including Crimea, with an emphasis on reporting on the conflict in the east of Ukraine and the Ukrainian government's reform agenda. This two-year project aims to enhance accurate, objective and neutral reporting in Ukraine, ensuring the population are better informed about politics, legislation and developments in the east of the country. The Netherlands also facilitated a study by the European Endowment for Democracy which investigated what international donors can do to encourage and support independent Russian-language media. On the basis of the results, the Netherlands decided to contribute EUR 1.3 million to Free Press Unlimited (FPU) to support independent Russian-language journalism in Belarus, Moldova, Ukraine and the countries of the southern Caucasus.

##### *RNW Media*

Since 2013, RNW (Radio Netherlands Worldwide) Media has been carrying out its mission to promote freedom of opinion and expression in countries where freedom of speech is subject to severe restrictions. RNW focuses on young people in sub-Saharan Africa, Arab countries, China and Latin America with a range of stimulating multimedia productions on the issues of human rights, sexual rights, democracy and good governance.

In 2015 RNW Media reached 24 million visitors via its websites and many times more via social media. RNW helped provide information in Libya, Syria and other countries ravaged by war, and also in countries like Egypt. In 2015 the Ministry of Foreign Affairs also took an active role in a

number of RNW project in the Netherlands, including the Asia Carousel, debates in the margins of the conference on cyberspace, a street art exhibition on sexual rights in Egypt and a workshop for a bloggers' collective from Burundi.

RNW Media operates in countries where freedom of expression is in jeopardy and some matters cannot be discussed. One such country is Burundi, where all radio and television stations were closed or demolished after the failed coup in 2015. Most journalists have fled the country. However, a group of bloggers – the Yaga collective – have remained active. Their name means storytelling in Kirundi. RNW brought these 30 bloggers together, trained them, and facilitated a web platform for their articles.

The Yaga group now have more status and influence both at home and abroad. Their publications on social media attract a large readership and a lot of international media attention. The website WazaVote Burundi attracted 55,000 visitors in total: 11% of all internet users in the country.

RNW also supports other young change makers trying to improve the human rights situation in their country via the internet and social media. Bloggers in China and Cuba fill the vacuum created by the muzzling of the media in their countries. They use the model of convincing storytelling developed by RNTC, RNW Media's training centre.

In the polarised media environment of Côte d'Ivoire and Kenya, RNW and local bloggers provide information from a variety of perspectives on the trials of their former leaders at the International Criminal Court in The Hague. Over 90% of visitors to these sites are from Côte d'Ivoire and Kenya. Discussions on social media are generally constructive and respectful.

RNW Media campaigns for democracy and good governance, and for sexual rights and sexual health. The Love Matters platform on love and sexuality enjoys widespread and growing popularity in India, China and the Arab world. This positive, accessible concept has won several international awards.

In 2015 RNW Media reached 24 million visitors via its websites and many times more via social media.

#### *Human Rights Ambassador*

The Human Rights Ambassador is very active on the issue of freedom of expression. He raised the subject during visits in 2015 to Pakistan, the Philippines, Senegal and Guatemala, among other countries. He also emphasised the importance of freedom of expression during the human rights consultations with China on 8 and 9 October 2015. During his speech at the conference in Amsterdam in May 2015, organised by PEN WiPC (Writers in Prison Committee) and ICORN (International Cities of Refuge Network), the Human Rights Ambassador underlined the importance of freedom of expression and the safety of journalists and writers.

#### **Financial support**

The Human Rights Fund was used to support projects that help promote the quality and diversity of the media in countries where these qualities are in short supply. For example, in 2015 the Netherlands supported two Syrian news organisations via FPU. This activity focuses on distributing high-quality news and improving the safety of professional and citizen journalists. The Netherlands again collaborated with FPU in funding the mobile application StoryMaker, which provides a course in safe online communications and a basic journalism course by mobile phone, allowing participants to safely upload video, audio and photographs. This enables stories to be submitted by citizen journalists all over the world. Users in Tunisia, Egypt, Iraq and other countries were trained to use the application. Finally, independent radio is encouraged, including Radio Zameneh, which has been broadcasting information about human rights violations in Iran from the Netherlands for ten years.

### **2.5.2 Freedom of the internet**

Since the establishment of the Freedom Online Coalition in 2011, promoting freedom of the internet has been one of the pillars of the Netherlands' international cyber policy. In 2015, the

Netherlands stepped up its leading role in this debate by hosting the Global Conference on Cyberspace (GCCS).

The combined government response to the Advisory Council on International Affairs (AIV) report 'The Internet: a Global Free Space with Limited State Control' (December 2014) and the Scientific Council for Government Policy (WRR) report 'The Public Core of the Internet. An International Agenda for Internet Governance' (March 2015) was submitted to the House of Representatives on 19 May.

### **Multilateral efforts**

#### *Global Conference on Cyberspace*

On 16 and 17 April 2015, the Netherlands hosted the GCCS, one of the most influential international conferences in this field, as part of the London Process. Some 1,800 delegates attended the conference, representing public authorities, the business community, civil society, and the science and technology community all around the world. Unlike previous hosts, the Netherlands elected to structure the programme around the theme of digital rights, as well as security and economic growth. The Netherlands drew particular attention to the following issues:

The key issue in terms of privacy was effective protection of the right to privacy in the digital age. The debate on this issue often revolves around the question of how to strike a balance between security interests (which require government intervention) and freedom (which requires effective protection of the right to privacy). The panel discussion at the GCCS concluded, however, that seeking to strike a balance is not the right approach. Human rights should not become a bargaining chip. More importantly, privacy and security are not conflicting interests; they are in fact complementary. There can be no privacy without security, and no security without privacy. The panel observed that although initial steps have been taken towards protecting privacy, further action is needed to regain the trust of the public and ensure that both interests are served. The panel believed that the recently appointed UN Special Rapporteur on the Right to Privacy had a key role to play in this respect.

The panel's main conclusion on the issue of export controls on dual-use technologies was that a combination of measures, including awareness-raising, the OECD Guidelines on corporate social responsibility and an effective and proportionate export control policy, would be needed to prevent EU countries' surveillance technology from being used by repressive regimes to violate human rights. These considerations will be included in the position on the review of the Dual-Use Regulation planned for June, which may take human rights into account.

The Netherlands tabled the issue of the ethics of algorithms to draw attention to the fact that more and more decisions are being made by automated systems. This may have significant implications for our fundamental freedoms, particularly freedom of expression and privacy, and could also impact on measures to counter discrimination. Various experts underlined the importance of enhancing awareness of the ethical dimension of such decisions, and of further research in this field, as well as greater transparency concerning relevant practices and best practice in the public and private sectors. The GCCS was the first international conference to raise this matter at a political level.

Besides tabling discussions on such issues of substance, the Netherlands was also the first government to facilitate proportional civil society participation in the London Process. In the run-up to the conference a cybersecurity capacity-building training course was organised, with Dutch support, for 40 civil society participants from the Global South. Participants received training on various subjects associated with both cybersecurity and human rights that were on the GCCS agenda. At the end of the session, the minister held a discussion with the group, during which participants expressed their appreciation of the fact that the Netherlands had opened up the London Process by involving civil society, and focusing on privacy, freedoms and capacity building. They emphasised that the Netherlands was also regarded as an important partner for future efforts to increase multi-stakeholder participation in the cyber debate. This is completely in line with the WRR report 'The Public Core of the Internet', which recommends that the expertise of NGOs and other private stakeholders be used productively and that private parties should be explicitly involved in diplomatic efforts in the field of internet governance.

These conclusions were incorporated into the GCCS Chair's Statement drafted by the Netherlands. Expert sessions were held on various subjects during preparations for the GCCS, and the papers developed can be accessed on the GCCS website.

The Global Forum on Cyber Expertise was launched during the GCCS. The GFCE is a global, multi-stakeholder capacity-building initiative that also focuses on the security-freedom-growth triangle in cyberspace. The Forum's secretariat is located in The Hague.

#### *Cyber Task Force*

Hosting the GCCS has given the Netherlands a leading role in the cyber domain, and it will now endeavour to capitalise on this position. In 2015, the Ministry of Foreign Affairs established the Cyber Task Force with the aim of ensuring that the various policy angles – cybersecurity, digital rights and capacity building – are integrated into a single international cyber strategy and plan of action. In line with its approach to the GCCS, the main aim of this policy will be to propagate the Netherlands' vision of a free, secure and open internet as a basis for international agreements on the protection of human rights online. The Task Force also helped define the government's position on encryption, which was published in early 2016, to a warm international response.

#### *Freedom Online Coalition*

The Netherlands initiated the Freedom Online Coalition (FOC), a cross-regional coalition that now includes 29 member countries which support a free, secure and open internet. The coalition welcomed five new members in 2015: Norway, Poland, Spain, Australia and New Zealand. The coalition held its annual conference in Mongolia on 4 and 5 May, attended by the Human Rights Ambassador. During discussions on the future of the FOC, the Netherlands emphasised that more attention must be focused on members' compliance with its principles. It was decided at the conference that a strategic review of the coalition's performance should be carried out with a view to setting out a strategy for the forthcoming period. The review's report, including recommendations, was presented in spring 2016 and will be discussed at the FOC's annual conference in Costa Rica on 17-18 October.

The coalition published two joint statements in 2015. In June, the ambassador of Mongolia read an FOC statement on freedom of the internet to the UN Human Rights Council. In September 2015, the FOC published a statement condemning legislation introducing mandatory storage of data within a country's borders. In December, the Friends of the Chair of the FOC sent a letter expressing their concern about the situation in which secular bloggers in Bangladesh find themselves, and at the restrictions on the use of social media introduced at the end of 2015. The three FOC working groups also engage in various activities. In 2015 the Netherlands chaired FOC working group 1: An Internet Free and Secure, which focuses on the relationship between cybersecurity and human rights. The working group produced an innovative definition of cybersecurity which incorporates the clear obligation to respect human rights. The working group also set out recommendations for the development of cybersecurity policy based on human rights.

#### *Internet Governance Forum*

The Netherlands attended the 10th Internet Governance Forum (IGF) in November. This annual UN meeting for the international online community, which considers current issues, threats and opportunities for the internet, focused particular attention on human rights online. The FOC workshop on cybersecurity and human rights, co-organised by the Netherlands, was very well attended. In the video message opening the session, Dutch Special Envoy on International Cyber Policy Uri Rosenthal underlined the importance of focusing on fundamental rights online in the debate on cybersecurity.

*High Level Meeting of the World Summit on the Information Society +10 (WSIS) Review Process*  
In December 2015, the Netherlands attended the High Level Meeting of the World Summit on the Information Society +10 (WSIS) Review Process in New York. The process involved a review of the UN agenda on the use of ICT for development that was adopted at the WSIS in Tunis ten years ago, and the adoption of an agenda for the next ten years. Thanks in part to the efforts of the Netherlands, the EU and like-minded countries managed to ensure that the text does not include any harmful passages which, for example, tend towards more state control of the internet. At the same time, however, the outcome document does not set out an ambitious agenda on how the role of ICT in the development process will be promoted over the next decade. Ten years on, the challenges that the WSIS agenda is attempting to address remain largely the same. The statement underlines the importance of ICT for development, emphasises the role that all stakeholders can and must play (this is known as the multi-stakeholder approach), and links the process to the

SDGs. The statement also mentions the importance of respect for human rights in the digital domain and challenges concerning security. It also renews the mandate of the Internet Government Forum for ten years. Another high-level meeting will be organised by the UN in 2025.

Special envoy Uri Rosenthal spoke on behalf of the Netherlands, highlighting the importance of capacity building and the leading role the Netherlands plays in the use of big data for development cooperation and emergency aid. The Netherlands also organised a side event with GFCE (Global Forum for Cyber Expertise) partners Symantec, Senegal and the ITU to generate more awareness of the GFCE at the UN.

#### *VN Special Rapporteur on the right to privacy*

In July 2015, Professor Joseph Cannataci of Malta was appointed UN Special Rapporteur on the right to privacy for a period of three years. The new rapporteur role is the result of efforts by Germany and Brazil to get the subject of privacy onto the UN agenda. The Netherlands actively supported this effort.

#### *OSCE*

In response to a Dutch initiative, an EU statement on human rights in the digital age was adopted at the OSCE's annual HDIM. The Netherlands organised a side event on media freedom in the digital age, in collaboration with the Netherlands Helsinki Committee.

### **Financial support**

In 2015 the authoritative report Freedom on the Net was again published, with support from the Human Rights Fund. This report surveys the latest situation as regards internet freedom in more than 60 countries, with the help of local researchers and activists trained by Freedom House. The report is also used to identify potential new members of the Freedom Online Coalition.

The online security of human rights defenders is an important goal, and the Hivos Digital Defenders Partnership (DDP) project, which focuses on this issue, was again given support in 2015. DDP was established with the US at the first Freedom Online Conference held in 2011 in The Hague. Five other countries contribute. DDP helps human rights defenders experiencing online difficulties, providing them with funds and connections, and helping enhance the capacity of those who supply this assistance. The growing online repression of human rights defenders around the world once again demonstrated the need for this project in 2015. DDP funding will continue for the coming years.

Through the Hivos 'Internet Governance in the MENA Region' project the Netherlands contributes to the training of people who are working to achieve a free and open internet in that region, and can thus influence legislation.



## 2.6 Freedom of religion and belief

Promoting and protecting freedom of religion and belief continued to be a major challenge in 2015. Discrimination and violence against individuals on the grounds of their religion or belief has increased all around the world. The situation of some religious groups is highly alarming. The position of Christians in the Middle East and some parts of Africa has for example worsened over the past year.

As in recent years, the Netherlands' efforts were again focused on the rights of individuals to shape their own religious or ideological identity, to hold theistic, non-theistic or atheistic beliefs, and to change religion. The Netherlands also promotes the separation of church and state, and opposes the restriction of fundamental rights and freedoms, such as those of women, children and LGBTI people, on the basis of religious or traditional values. It draws no distinction between religious groups.

### Multilateral efforts

In multilateral forums like the UN Human Rights Council and the Third Committee of the UN General Assembly, the Netherlands continues to lobby for more progressive resolutions on freedom of religion. The main ones are the EU's 'Freedom of religion or belief' resolution, aimed at protecting individual rights in the battle against religious intolerance, and the OIC resolution designed to combat intolerance, negative stereotyping, stigma, discrimination and incitement to violence against people on the grounds of religion or belief by promoting human rights and interreligious and intercultural dialogue. Both resolutions were again adopted by consensus in 2015.

In the EU, the Netherlands ensured that freedom of religion or belief was included in the new Action Plan on Human Rights and Democracy (2015-2019). The Netherlands campaigns actively for coordination by and cooperation in the EU Task Force on Freedom of Religion or Belief, whose purpose is to improve the exchange of information between EU member states. The Netherlands is also a member of the International Contact Group on Freedom of Religion or Belief (ICG), set up in 2015 on the initiative of Canada's Ambassador for Religious Freedom. The ICG is a platform that focuses on exchange of information and best practice, discussion of new developments concerning freedom of religion or belief, and joint responses to violations of religious freedom. The 24 participating countries include seven EU member states, plus countries in Africa, South America, the Middle East, Asia and North Africa.

At the invitation of his Greek counterpart Nikos Kotzias, Dutch Minister of Foreign Affairs Bert Koenders attended a conference on religious pluralism in the Middle East, held in Athens in October 2015. The conference brought together a large number of representatives of churches and religious movements in the Middle East, and was also attended by the UN Special Envoy for Syria, Staffan de Mistura. During his speech the minister paid specific attention to religious groups in the region that are suffering from repression and are fleeing the violence there.

### Bilateral efforts

The freedom of religion pilot project ended in 2015 and was incorporated into the Netherlands' broader human rights policy as a structural element.<sup>25</sup> Bilateral efforts on the subject of religion and belief take place through various channels: the embassies, ministerial visits and visits by the Human Rights Ambassador during which he raises the issue if necessary.

One example is Pakistan, where the Human Rights Ambassador discussed blasphemy and the position of religious minorities (Christians, Ahmadis and Hindus) during meetings with the authorities and with NGOs. He also discussed issues that are not directly related to freedom of religion and belief, such as women's rights and child marriage. At the ASEM conference, this latter issue was raised at a meeting between the Dutch foreign minister and his Pakistani counterpart. The embassy is also active in its efforts to draw attention to the issue of freedom of religion and belief, both regularly in discussions with the authorities and contacts with civil society, and through projects financed by the Human Rights Fund. The embassy also works closely with other

<sup>25</sup> This was reported to the House during the debate on the foreign affairs budget 2016, putting into effect the motion introduced by MP Joël Voordewind et al., 32 735 no. 135, on the conversion of the freedom of religion pilot project into policy.

EU member states to ensure that statements and demarches are as effective as possible, and that the EU speaks with one voice as often as possible.

### **Financial support**

Projects on freedom of religion and belief took place not only in countries that participated in the pilot (India, Egypt, Kazakhstan, Armenia, Nigeria, Pakistan and Sudan); projects in Myanmar, Indonesia, Bangladesh, Turkey, Georgia and other countries were also financed from the Human Rights Fund. They generally focused on facilitating dialogue, amending national legislation and/or government policy, monitoring and providing legal assistance in individual cases (including criminal cases), raising awareness of problems related to religion, and disseminating knowledge about religion and belief in general.

Examples of projects financed by the embassies using Human Rights Fund resources included: a project in Georgia approaching the problems of religious minorities from various perspectives, including legal assistance, educational reform, training for journalists and activists, and awareness-raising through television and social media.

A project in Indonesia aims to protect religious minorities and human rights defenders, increasing the involvement of the authorities. In India a project that aims to prevent violence by facilitating dialogue between local leaders of religious groups (Hindu, Muslim and Christian) in Karnataka state also received funding.

The 'Peace is Possible' campaign was launched in Pakistan to support the work of people and social groups working for human rights and interfaith cooperation.

In Egypt community leaders receive support for their efforts to improve tolerance, pluralism and respect for individual rights in local communities.

The centrally administered Human Rights Fund provided financial support for five multi-year projects on freedom of religion and belief. For example, the NGO *Mensen met een Missie* ran a project in India and Indonesia entitled 'Strengthening voices, sensitizing voices, connecting voices' aimed at encouraging a culture of tolerance in religious matters. The programme '*kullina muwatinin*' ('we are all citizens') by PAX aims to improve respect for religion, religious diversity and the rights of minorities in Iraq and Syria.

## 2.7 Human rights and development

The Netherlands regards the entire spectrum of human rights as important: economic, social and cultural (ESC) rights as well as civil and political rights. The Netherlands' aid and trade agenda helps to achieve ESC rights, through its programmes on water and food security, for example, and also through collaboration with trade unions – the traditional guardians of economic and social rights.

### Multilateral efforts

The Netherlands also lobbied in 2015 for the integration of a rights-based approach into the Post-2015 Sustainable Development Agenda. As mentioned above, the Global Goals are the result of negotiations between UN member states. They were adopted by consensus at the UN summit in New York in September 2015 and replaced the Millennium Development Goals (MDGs) in January 2016. During the negotiations, the Netherlands and many other countries successfully lobbied for human rights to be firmly embedded in the goals and the outcome document does indeed identify human rights as one of the basic principles underlying the new development agenda. The Global Goals refer explicitly to human rights much more than was the case with the MDGs. Take, for example target 5.3: 'eliminate all harmful practices, such as child, early, and forced marriage and female genital mutilation'. Human rights are also enmeshed in the goals on health, inequality, peaceful societies, decent work, and others. The goal on decent work, for example, includes the ambition of eliminating all forms of child labour worldwide by 2025, and also calls for the elimination of human trafficking and forced labour.

### Bilateral efforts

The Netherlands also lobbies, again in the context of the Global Goals, for a living wage – an income that allows workers to support themselves and their families. This concept faces many challenges. Statutory minimum wages are generally too low, unions are often too weak to successfully negotiate higher pay, and in international value chains manufacturers and international buyers are often unwilling to pay the price for a living wage. The Netherlands supports research by the ISEAL (International Social and Environmental Accreditation and Labelling) Alliance<sup>26</sup> and the Wage Indicator Foundation<sup>27</sup> into benchmarks for a living wage. Six quality marks are working together on the ISEAL research, including Utz and Fair Trade. The Wage Indicator collects information all around the world on wages in individual countries, thus supporting collective action for a living wage. The Netherlands is organising the Asian Living Wage Conference, to be held in May 2016, in cooperation with Germany and Pakistan, as a follow-up to the European Conference on Living Wages held in Berlin in 2013. The authorities and social partners in nine textile-producing countries have been invited to the conference in Pakistan, along with international fashion brands, to discuss strategies for achieving living wages. A living wage is a priority of several Strategic Partnerships in the framework of the Dialogue and Dissent programme. The partnership with the Fair Wear Foundation is well positioned to carry out follow-up activities after the Pakistan conference.

### *Receptor approach pilot project*

The receptor approach pilot project was launched in 2012 at the request of the House of Representatives to determine the practicability of this approach in Dutch human rights policy. Following the interim evaluation of the pilot in 2014, the project was continued in 2015. The network for academic exchange with China was expanded, and resulted in a fourth human rights seminar in Beijing, this time about Chinese and African human rights concepts. The receptor approach was also considered at the Eighth Beijing Human Rights Forum, during visits by Chinese academics, and in several publications. In 2015, the project implementation team discussed with a number of partners the possibility of setting up a permanent Cross-cultural Human Rights Centre. In accordance with the undertaking made at the meeting on 15 June 2015 between the Minister of Foreign Affairs and the Permanent Committee on Foreign Affairs to discuss the human rights policy document, funding for an additional seminar with Chinese partners focused on freedom of religion was arranged in 2015.

<sup>26</sup> <http://www.isealalliance.org/about-us>

<sup>27</sup> <http://www.wageindicator.org/main/Wageindicatorfoundation>

In terms of support for African countries in their reporting to the CEDAW Committee,<sup>28</sup> in 2015 reports were drawn up for Cameroon and Swaziland. Like the previous reports for Senegal and Liberia, these reports have not yet been formally submitted to the treaty body as country reports. Discussions on the matter with the authorities of the countries in question are still ongoing. If no agreement can be reached the reports will be submitted to the CEDAW Committee as shadow reports.

### **Financial support**

The Ministry of Foreign Affairs is contributing EUR 49 million to the trade union co-financing programme between 2013 and 2016. This programme, run by the international arms of the two large Dutch trade union confederations CNV Internationaal and FNV Mondiaal, is designed to improve labour and union rights in low- and middle-income countries, by promoting dialogue between employers and workers, and by building the capacity of unions at company, sector and national level.

Specific projects financed from the Human Rights Fund also support ESC rights:

In 2015, the Netherlands supported a multi-year project by Both Ends, ActionAid and local partner organisations to enhance women's ability to exercise their social and cultural rights when confronted with large-scale development projects that may threaten their livelihood. The project is being carried out in India, South Africa and Kenya.

In 2015, the Netherlands provided funding for Waterlex to enhance the ability of National Human Rights Institutions in Africa to monitor local populations' right to water.

The embassy in Zimbabwe funded the development of a barometer of ESC rights as a tool to be used by civil society organisations lobbying for these rights.

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<sup>28</sup> <http://www.ohchr.org/EN/HRBodies/CEDAW/Pages/CEDAWIndex.aspx>

## 2.8 Human rights and business

The Netherlands promotes respect for human rights in business in accordance with the UN Guiding Principles on Business and Human Rights (UNGPs).<sup>29</sup> Its aim is to prevent human rights violations by companies, either directly or in their production chains. This focus on 'do no harm' complements the aid and trade agenda, which also considers the sustainable development opportunities that cooperation with business affords. In December 2013, the Government presented its National Action Plan on Business and Human Rights, translating the UNGPs into practice in the Dutch context.<sup>30</sup> The plan emphasises the role of Dutch companies vis-à-vis enterprises in other countries. Implementation of the Action Plan continued in 2015. However, the Government's concern for human rights and business goes further than simply ticking off the action points in the NAP, as explained under the headings 'multilateral efforts', 'bilateral efforts' and 'financial support' below. Tackling child labour again constituted an important element of the Netherlands' efforts regarding human rights and business in 2015.

### *Progress of National Action Plan on Business and Human Rights*

The action points in the NAP are examined in turn below, in the order in which they appear in the plan (see NAP pp. 43-44). The Minister for Foreign Trade and Development Cooperation will report to the House separately before the summer on the relationship between human rights and trade missions. Reports on economic missions are already produced every six months; these detail how human rights have played a role in recent missions. How human rights and other elements of international CSR are incorporated into missions depends on the context, in terms of both communications with companies and the details of the programme.

### *Policy coherence*

- Both human rights and business and broader policy on International Corporate Social Responsibility (ICSR) are priorities for the Dutch Presidency of the Council of the European Union. In the run-up to the Presidency, a conference held in Amsterdam on 7 December 2015 explored the question of how the EU can use its trade and development policy more effectively to make global value chains more sustainable. The conference focused specifically on child labour, land rights and forced labour. The Netherlands also wants to use the Presidency to generate support for a new European Commission plan of action on CSR. The Commission's previous CSR strategy ran from 2011-2014<sup>31</sup> and now requires revision. At the urging of the Netherlands, the new EU Action Plan on Human Rights and Democracy<sup>32</sup> includes an undertaking that the Commission must develop a coherent policy to implement the UNGPs as part of its CSR strategy. The Government believes that the EU is not using its potential in this regard to the full. It is therefore organising a conference in Amsterdam on 11 May 2016 to mark the fifth anniversary of the UNGPs, which will take stock of progress and identify where extra efforts are needed from the EU and its member states. The Netherlands will endeavour to ensure that the insights gained by the end of the Presidency are laid down in EU Council conclusions. It will also host a meeting of experts on human rights and business from the member states and the EU institutions on 12 May 2016. The aim of this meeting will be to promote the development and implementation of NAPs and to improve cooperation on human rights and business in the Union's common foreign policy.
- In 2015, the Ministry of Foreign Affairs and several partners began developing an e-learning course designed to enhance civil servants' knowledge of human rights and business, the UNGPs and related instruments such as the OECD Guidelines for Multinational Enterprises. The course will be for civil servants and other public servants who are concerned with Dutch companies abroad, in terms of policy and regulation, trade promotion, export credits or investment in developing countries. The course will probably be ready for launch in summer 2016.
- The Ministry of the Interior and Kingdom Relations commissioned an evaluation of the international social conditions of sustainable procurement policy. The House received the evaluation report and the Government's response in January 2015.<sup>33</sup> The evaluation recommended bringing the conditions into line with the OECD Guidelines for Multilateral

<sup>29</sup> <http://bit.ly/1HnFkIq>

<sup>30</sup> <http://bit.ly/XCVq6m>

<sup>31</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0681:FIN:en:PDF>

<sup>32</sup> <http://data.consilium.europa.eu/doc/document/ST-10897-2015-INIT/en/pdf>

<sup>33</sup> <http://bit.ly/1GaujJR>

Enterprises. The Government will explore how this can be arranged. The Action Plan for Socially Responsible Procurement was published in September.<sup>34</sup> A number of pilot tendering operations are currently being launched to test the practicability of the recommendations, using instruments such as the CSR Risk Check tool.<sup>35</sup>

#### *Transition to due diligence*

- A 2015 study by the Ministry of Foreign Affairs found that economics, management and procurement courses at all levels in the Netherlands have introduced initiatives connected with ICSR.<sup>36</sup> The OECD Guidelines are for example covered in many curriculums, and in many cases knowledge of ICSR is included in the exit qualification.
- The Social and Economic Council of the Netherlands (SER) has run a continual series of due diligence workshops for business over the past few years. These workshops are given in collaboration with Shift, the most authoritative knowledge institution when it comes to the UNGPs. The SER has also compiled a manual for companies to help them shape their due diligence policies.<sup>37</sup> The SER also commissioned the Netherlands Standards Institute (NEN) to draw up practical guidance for integrating human rights into existing risk management systems like ISO 14001, ISO 26000 and ISO 31000. Since these systems are frequently used by companies, application of the guidance should be an easy step.
- The Ministry of Foreign Affairs awarded a grant to UN Global Compact Nederland, Shift and Oxfam to enable them to publish a follow-up to 'How to Do Business with Respect for Human Rights' (2010). The online publication will focus mainly on specific challenges faced by companies in the South. The project included a number of workshops for companies and NGOs in Indonesia, South Africa, Mexico and Turkey.
- SOMO (Centre for Research on Multinational Corporations) provided interministerial training on the UNGPs in 2015. The course was open to public servants concerned with CSR, trade and investment promotion, and sustainable procurement. Later in the year the SER and Shift ran a similar workshop for civil servants on the UNGPs. The theme of human rights and business was also covered in the Civil Servants Working in International Policy course and the human rights course that the Ministry of Foreign Affairs offers its embassy staff every year.
- The National Action Plan announced that an independent study would be conducted into the question of whether Dutch companies' statutory duty of care for ICSR is in line with the UNGPs. The Research and Documentation Centre (WODC) awarded the commission for the study to Utrecht University.<sup>38</sup> It was conducted in 2015 and early 2016, and compared the potential for holding companies in the Netherlands liable (under criminal, civil or company law) with the situation in a number of neighbouring countries. The possible impact of new measures on the climate for business was also considered. The results of the study were sent to the House of Representatives along with the Government's response on 21 April 2016.<sup>39</sup>

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#### *Transparency and reporting*

- Transparency, dialogue with stakeholders and monitoring of agreements are important aspects of the process associated with the ICSR agreements. Most of these agreements with Dutch business sectors and their stakeholders are still in the preparatory stage. The SER presented the first completed ICSR agreement, with the textiles sector, on 9 March 2016.<sup>40</sup> An ICSR agreement with the banking sector specifically concerning human rights is expected to be signed before summer 2016. A detailed report on progress with the ICSR agreements was submitted to the House in July 2015 (Parliamentary Paper 26485, no. 212). The goal is to complete ten ICSR agreements by 2017, in line with the SER's advisory report 'Agreements on International Corporate Responsibility'.<sup>41</sup>

<sup>34</sup> <https://www.rijksoverheid.nl/binaries/rijksoverheid/documenten/kamerstukken/2015/09/11/plan-van-aanpak-maatschappelijk-verantwoord-inkopen-2015-2020/plan-van-aanpak-maatschappelijk-verantwoord-inkopen-2015-2020.pdf>

<sup>35</sup> <http://www.mvorisicochecker.nl/nl>

<sup>36</sup> <https://www.rijksoverheid.nl/documenten/rapporten/2015/06/29/rapportage-onderzoek-duurzaam-onderwijs>

<sup>37</sup> <http://bit.ly/1JZ0jRj>

<sup>38</sup> <http://www.wodc.nl/onderzoeksdatabase/2531-maatschappelijk-verantwoord-ondernemen-in-het-buitenland.aspx>

<sup>39</sup> Parliamentary Paper 26485, no. 219.

<sup>40</sup> <http://www.ser.nl/nl/publicaties/overige/2010-2019/2016/convenant-duurzame-kleding-textiel.aspx>

<sup>41</sup> <https://www.ser.nl/nl/publicaties/adviezen/2010-2019/2014/imvo-convenanten.aspx>

- On 11 February 2016, at the request of the parties concerned (VNO-NCW, VEVO, VEB, Eumedion, FNV, CNV and Euronext), the Corporate Governance Code Monitoring Committee published a proposal for updating the Dutch Corporate Governance Code.<sup>42</sup> The proposal places more emphasis on long-term value creation. This means that listed companies should consider the risks and opportunities associated with both financial and non-financial aspects of business. The Monitoring Committee drew on EU Directive 2014/95/EU on disclosure of non-financial and diversity information, which also explicitly considers human rights. A wide-ranging public consultation has been launched on the proposed update. The Monitoring Committee will adopt an updated version of the code using the responses from the consultation phase, and present it to the Government.

#### *Access to remedy*

- The Netherlands awarded ACCESS Facility a start-up grant of EUR 350,000 for 2013-2014. A further grant of EUR 242,000 was awarded for the period up to the end of 2015. ACCESS Facility has produced good results in this initial period in terms of improved access to non-judicial grievance mechanisms for victims of business-related human rights violations. ACCESS Facility has enhanced its expertise in effective dialogue and mediation between companies and communities.

ACCESS Facility also organised an expert meeting on behalf of the Ministry of Foreign Affairs in April 2014. The meeting provided an opportunity to share experiences of non-judicial grievance mechanisms, and resulted in a series of recommendations to companies and the authorities designed to enhance the effectiveness of such mechanisms.

- The Government reviewed the Order establishing the OECD National Contact Point (NCP), making it possible among other things for the NCP to commission cross-company research.<sup>43</sup>

The Government has asked the SER to consider what role the NCP might play in the context of the ICSR agreements. The SER believes that, as the 'guardian' of the OECD Guidelines in the Netherlands, it is obvious that the NCP should be involved, on the basis of its mandate to provide information and facilitate. The parties to an ICSR agreement must also make arrangements for dealing with any disputes concerning progress and/or results. Depending on those arrangements, possible options might include: a complaints procedure or dispute committee at sector level, mediation arrangements with the NCP, civil proceedings or binding arbitration.

#### Human rights and business in practice

The National Action Plan stipulates that the government will take a proactive attitude to putting the UN Guiding Principles into practice. Indeed, both business and civil society expect the government to do so. This proactive attitude is illustrated nicely by the example of pharmaceutical company Mylan, which opened a branch in the Netherlands in spring 2015. Pension fund APG, which invests in Mylan, made the Ministry of Foreign Affairs aware of the fact that Mylan produces a muscle relaxant – rocuronium bromide – which is used in the 'cocktail of lethal drugs' used to carry out the death penalty in some American prisons. Human rights organisation Reprieve also reported that the company was the only player on the US market that imposed no restrictions on distribution of the drug. The Ministry used the information supplied by APG and Reprieve to take up the matter with Mylan, making it clear that, as a Dutch company, it would be expected to comply with Dutch CSR policy. This included preventing any involvement in human rights violations such as the death penalty in any country. The Ministry therefore urged Mylan to enter into contractual arrangements with distributors – as other companies do – to ensure that the product was used only for operations in hospitals, and no longer in executions. After much discussion, Mylan released a statement saying it intended to take this important step.<sup>44</sup>

#### **Multilateral efforts**

In 2015, a working group chaired by the Netherlands completed the negotiations on a Council of Europe recommendation on human rights and business. This recommendation gives the CoE's

<sup>42</sup> <http://commissiecorporategovernance.nl/?page=2791>

<sup>43</sup> <http://bit.ly/1HLk4FS>

<sup>44</sup> <http://newsroom.mylan.com/press-releases?item=123361>

member states guidance on implementing the UNGPs, with a firm emphasis on access to remedy. The Netherlands successfully argued for an ambitious recommendation which goes further in some respects than the UNGPs. The idea is that, as the base of a large number of companies with international operations, Europe should set an example to the rest of the world when it comes to human rights and business. The added value relative to the UNGPs lies among other things in the very detailed guidance on criminal, civil and administrative law. The recommendation was adopted by the Committee of Ministers on 3 May 2015<sup>45</sup> and was welcomed by the human rights organisations most closely involved.<sup>46</sup>

In July 2015, the UN Intergovernmental Working Group on Transnational Corporations and other Business Enterprises with Respect to Human Rights held its first session. This working group has been mandated to draw up an internationally binding agreement on human rights and business. The EU had responded sceptically to the resolution establishing the working group,<sup>47</sup> mainly because the scope of the agreement is to be limited to transnational corporations. This is highly problematic, as companies operating nationally have the same responsibility to respect human rights as transnational companies. Furthermore, many human rights violations are committed by nationally registered companies. In the run-up to the first session the EU therefore stated that it would not take part in the talks unless the scope were widened to all companies. The EU was present at the start of the session to explain its position. The countries that initiated the working group, Ecuador and South Africa, were not prepared to meet the EU's demands. The Netherlands will consult with other EU member states prior to the next session in October 2016 to determine the best strategy for extending the scope of the discussions to all companies.

At international level, the Netherlands actively supported the development of policy on human rights and business. It contributed to the UN Working Group on Business and Human Rights, for example, helping it to develop guidance for states planning to adopt an NAP. The Netherlands also contributed to the success of the annual UN Forum on Business and Human Rights in Geneva. The Dutch Permanent Mission provided financial support for the Forum. The Netherlands also organised an expert meeting on non-judicial grievance mechanisms chaired by its Human Rights Ambassador, and a fashion show to highlight the role of women in the sustainable textile industry in Africa.

#### *Textile industry*

In 2015 the Netherlands continued its efforts to strengthen respect for human rights in international textile supply chains:

- A multi-stakeholder mission led by Minister for Foreign Trade and Development Cooperation Lilianne Ploumen visited the textile industry in Bangladesh. The focus of the mission was on social dialogue, union rights and the position of workers in the informal textile sector.
- The Dutch-supported ILO project designed to strengthen labour inspections in Bangladesh, and the Bangladesh Accord,<sup>48</sup> ensured that all 3500 textile factories making goods for export were inspected. Improvements are now being made in response to the inspections.
- With the help of the Sustainable Trade Initiative (IDH) the Buyers' Forum of fashion brands that buy from Pakistan drew up an action plan and engaged in an initial dialogue with the government concerning compliance with labour standards in the textile industry. The Netherlands is supporting ILO efforts to strengthen labour inspections in Pakistan.
- In 2015 the Netherlands supported the ILO's Better Work programme, which also focuses on respect for labour rights in Bangladesh, Vietnam, Indonesia, Cambodia and Burma/Myanmar.

#### **Bilateral efforts**

In December 2013, the Netherlands became the second country in the world to adopt an NAP, entirely in line with the Government's view that National Action Plans are the best way to implement the UNGPs. Ownership of the UNGPs by countries in both the North and the South is essential, as it will ensure that multinational corporations are held to their responsibility to respect human rights both in their country of origin and in the countries where they do business.

<sup>45</sup> <https://wcd.coe.int/ViewDoc.jsp?Ref=CM/Rec%282016%293&Language=lanEnglish&Ver=original&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864>

<sup>46</sup> <http://www.corporatejustice.org/ngo/s-welcome-adoption-of-new-Council-of-Europe-Recommendation-on-Human-Rights.html?lang=en>

<sup>47</sup> [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/RES/26/9](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/26/9)

<sup>48</sup> <http://bangladeshaccord.org/about/>



The Netherlands also promoted the concept of National Action Plans internationally. In bilateral contacts, it encouraged several countries to draft their own NAP, sharing its own experiences and lessons learnt. The Netherlands presented its experiences to Germany and the Czech Republic at meetings launching the process of drafting their National Action Plans. During visits to Kazakhstan, Guatemala and Poland, the Human Rights Ambassador encouraged these countries to take a more active stance on human rights and business. In Poland, this led to a decision to draw up an NAP. The Netherlands attended a seminar on human rights and business as part of the EU-Brazil Human Rights Dialogue. It also had discussions with Mexico, Colombia and South Korea on the importance of National Action Plans for human rights and business.

During their UPR, the Netherlands encouraged Bulgaria, Honduras and Mongolia to draw up an NAP. It specifically recommended that Bulgaria establish a National Contact Point for the OECD Guidelines, and that Honduras pay particular attention to the rights of indigenous groups in its NAP, in line with ILO Convention 169. The Netherlands also shared its experience of developing and implementing its own NAP at an OECD workshop in Paris in June 2015.

### **Financial support**

Human Rights Fund resources were used in 2015 to support projects that promote respect for human rights in business.

The grant awarded to the Corporate Human Rights Benchmark was renewed in 2015. This project is being implemented by a coalition of investors and civil society organisations, led by the Business and Human Rights Resource Centre. The aim is to rank the 500 biggest international companies in several high-risk sectors – the agricultural, clothing, IT and extractive industries – based on their human rights policy and performance. By providing transparency about performance, the coalition hopes to prompt a ‘race to the top’ on human rights in business. The goal is to publish the first ranking by the end of 2016.

In 2015 SOMO continued its project ‘Stand up for your rights’ with Dutch funding. The project focuses on training organisations in the South to improve access to justice for victims of human rights abuses.

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The Institute for Human Rights and Business (IHRB) received Dutch support to continue the Nairobi Process, a project in the extractive industry in East Africa. The IHRB hopes to secure decent agreements between businesses and local communities to prevent human rights abuses at an early stage in this emerging industry.

The UN Office of the High Commissioner for Human Rights (OHCHR) received support for its Accountability and Remedy project in 2015.<sup>49</sup> The project identifies barriers that prevent victims of business-related human rights violations from gaining access to legal remedies. It is also exploring ways in which states can remove these barriers by highlighting best practice from various jurisdictions.

The Netherlands also continued its support to the Fair Wear Foundation for a project focusing on the textile industry in India, Bangladesh, Turkey and China. The project informs workers of their rights, and has established a hotline where they can report violations.

Further details of the new strategic partnerships with NGOs as part of the Dialogue and Dissent programme were worked out in 2015. Several of these partnerships will focus on the theme of human rights and business: Both Ends in alliance with Action Aid, the Clean Clothes Campaign, Friends of the Earth Netherlands, SOMO and the Transnational Institute (TNI); Fair Wear Foundation in alliance with FNV and CNV; Pax in alliance with Amnesty International; Solidaridad; UTZ.

### *Tackling child labour*

Child labour is one of the most harrowing problems associated with human rights and business. Over the past year, the issue again rightly drew a lot of attention in the media and politics. The many reports produced by organisations like SOMO, the Dutch National India Working Group,

<sup>49</sup> <http://www.ohchr.org/EN/Issues/Business/Pages/OHCHRstudyondomesticlawremedies.aspx>

Terre des Hommes and the Stop Child Labour Coalition helped draw the public's attention to the issue. The Government continued its efforts to eliminate child labour unabated in 2015. Funding for the Stop Child Labour Coalition's 'Child Labour Free Zones' programme continued in 2015. The programme, being conducted in India, Zimbabwe, Uganda, Mali, Nicaragua and Turkey, is a prime example of an integrated regional approach, combining awareness-raising on the negative impacts of child labour on both individuals and national development, measures to improve education and collaboration with employers and local authorities to enforce the ban on child labour. This is all designed to lead to communities that stand united in support of the idea that children belong in the classroom, not the workplace. In 2015, the project published a manual for companies and local authorities entitled '5x5 Stepping Stones for Creating Child Labour Free Zones'.<sup>50</sup>

Dutch support for the Child Labour Platform (CLP) continued in 2015. The CLP is an international network of companies set up to eliminate child labour from production chains. It provides a safe environment for the companies concerned to share ideas and approaches.

The Netherlands continued its support for the ILO's International Programme for the Elimination of Child Labour (IPEC) for activities designed to improve education (including vocational education) in Bolivia, Mali, Indonesia and Uganda. The Dutch contribution is EUR 8.7 million for the period 2010–2015.

As part of the Plan of Action to increase sustainability in the Dutch textile sector, a project has been launched on behalf of several Dutch companies, with the support of the embassy in Turkey. The project, being carried out by the Fair Labor Association, aims to chart the supply chains of Dutch textile companies in Turkey and identify how these companies can use their combined influence to further reduce child labour.

The embassy in Turkey is also collaborating with the ILO's International Programme on the Elimination of Child Labour (IPEC), Turkish national, regional and local authorities and CAOBISCO, the sector organisation for the hazelnut processing industry, on a project to combat child labour in the Turkish hazelnut industry.

In 2015, the Netherlands contributed EUR 500,000 to Global March, the organisation run by Nobel laureate Kailash Satyarthi. The project in question focuses on strengthening partner organisations in the fight against child labour in Asia, Africa and Latin America. The project is also establishing an international network of parliamentarians who are willing to campaign for children's rights, both jointly and independently.

The Netherlands continued its support for UNICEF's efforts to promote awareness and implementation of the Children's Rights and Business Principles. The focus of the project is on Dutch companies, the textile industry in Bangladesh and the palm oil industry in Indonesia.

Last year, a grant of EUR 3 million was awarded to ECPAT/Defence for Children International for the extension of a project to combat child sex tourism and other forms of sexual violence against women. ECPAT is carrying out the project in 30 countries around the world.

During the debate on the 2016 Foreign Trade and Development Cooperation budget, the House adopted an amendment earmarking EUR 5 million for multi-stakeholder initiatives against child labour. The budget for initiatives set up by industry can be doubled using this resource. The Government is in consultation with the Netherlands Enterprise Agency to identify what form this financial support should take.

In 2015, the Government worked hard to achieve a post-2015 development agenda centred on human rights. This rights-based approach is reflected, for example, in target 8.7, which besides eliminating forced labour and human trafficking, also aims to end child labour in all its forms by 2025.

Talks were held with various stakeholders in 2015 on the best way to raise the issue of child labour during the Dutch EU Presidency. The Government intends to press for Council conclusions on the issue. These conclusions might contain a renewed commitment to the fight against child labour, highlight best practices such as the regional approach, and reflect how the EU can help implement SDG 8.7.

<sup>50</sup> <http://www.indianet.nl/SteppingStones.html>



### 3. Human rights developments and Dutch efforts by region

#### 3.1 North Africa and the Middle East

##### 3.1.1 Regional overview

The destabilising effects of the war in Syria and the rise of ISIS had a major impact on developments in the Middle East in the past year. While the conflict in Syria intensified as the year went on, the increased violence in countries such as Libya and Iraq also led to an erosion of human rights. The growing instability in a large number of countries in the Middle East is accompanied by a further restriction of liberties. In 2015, the Netherlands devoted particular attention to equal rights for women, freedom of expression, the protection of human rights defenders, migrant workers, and freedom of religion and belief. Since equal rights for lesbian, gay, bisexual and transgender (LGBT) people is a highly sensitive issue throughout the region, partly because of the political, religious and cultural context, Dutch efforts to support the LGBT community are mostly conducted under the radar.

##### Algeria

While the human rights situation has greatly improved since the end of the civil war in the 1990s, it remains fragile. This is clear, for instance, from the mostly brief periods of detention imposed on several human rights activists and opponents or critics of the government's actions, and from the legal steps taken against a number of bloggers. In addition, the government occasionally takes excessively harsh action against socioeconomic protests. Although the Algerian constitution guarantees freedom of expression, other laws contain restrictive measures. There are insufficient safeguards for the right to freedom of assembly and association, which has implications for freedom of expression, as is clear from the government's failure to register many of the civil society organisations that have applied for official recognition. In practice, the government tolerates the activities of most of these organisations. However, women continue to suffer unequal treatment, especially under family law, and homosexuality remains a criminal offence and is still considered taboo.

The Dutch embassy is taking various steps to improve the human rights situation in Algeria. At EU level, it has drafted common messages on the basis of the EU's human rights strategy for Algeria. In consultation with the UN (under UNDP coordination) and other like-minded countries, it has devoted a lot of attention to supporting Algeria's new law on violence against women. In addition, it has on many occasions openly supported UN-led efforts to promote female representation in elected bodies. The embassy also maintains contacts with the network of representatives of human rights organisations with a view to sharing information with those organisations and supporting their capacity-building efforts.

##### Bahrain

In 2015 the main causes of concern were restrictions on freedom of expression, assembly and association and the repression of opposition movements representing the country's Shi'ite majority. Human rights activists and those airing critical opinions were subjected to intimidation or imprisoned. In many cases, they also faced torture and ill-treatment.

Another problem in Bahrain, as in other Gulf states, concerns the exposure of migrant workers to serious forms of abuse, including non-payment of wages, confiscation of passports, unsafe housing, excessive working hours, physical abuse and forced labour. Compared to certain other countries in the region, Bahrain is fairly liberal in the area of women's rights.

During the 30th session of the UN Human Rights Council (HRC), 33 countries, including the Netherlands, issued a joint statement expressing the international community's concerns regarding the human rights situation in Bahrain. On a positive note, the government of Bahrain established a Commission of Inquiry made up of independent international experts – the Bahrain Independent Commission of Inquiry – and has been putting the findings of the Commission's report into practice. The appointment of an ombudsman and the establishment of a national human rights institute and various other government bodies can serve as an example for the entire Gulf region. However, the implementation of the report, which dates from 2011, is running behind schedule.

### Human Rights Ambassador

On 19-20 May 2015, the Human Rights Ambassador visited Bahrain, where he met with the Minister of Justice, the Minister of Foreign Affairs, the Ombudsman, the National Institute for Human Rights and the Supreme Council for Women, among others. Issues discussed included freedom of religion, equal rights for LGBTI people, women's rights and the fight against corruption. The ambassador welcomed the reforms implemented since the 2011 revolution.

The ambassador expressed his concerns about torture and ill-treatment by police and prison officers, the disadvantaged position of the Shi'ite population and freedom of expression, and emphasised that what matters is the implementation of reforms on the ground. Specific cases, such as that of human rights activist Nabeel Rajab, were also discussed.

In addition, the ambassador participated in a meeting organised by the Chief of Police on the security situation since the 2011 revolution. He also spoke to representatives from eight NGOs, including the Bahrain Center for Human Rights, the Bahrain Youth Society for Human Rights and the winner of the 2014 Human Rights Tulip, Mideast Youth.

### Egypt

Egypt experienced a revival of the police state in 2015. Civil rights were increasingly violated, while the security forces enjoyed impunity. The space for civil society and critics of the government is ever more restricted. Thus, more and more activists were subjected to travel bans, and a growing number of foreign-funded projects were cancelled. Peaceful demonstrators were arrested, and protests often met with a heavy-handed response. Torture in police stations and other detention centres was widespread and resulted in dozens of deaths. Mass convictions and mass death sentences were pronounced. At the same time, a number of controversial laws were promulgated, including a counterterrorism law that further restricted the freedom of the press.

In bilateral talks, Minister of Foreign Affairs Bert Koenders and Prime Minister Mark Rutte emphasised that counterterrorism and respect for human rights should go hand in hand. In addition, the Netherlands publicly called for a solution to the plight of the journalists convicted in the *Al Jazeera* case, including Rena Netjes, and condemned the death sentences imposed on former President Mohamed Morsi and more than 100 of his supporters. Dutch concerns regarding the death penalty were raised both bilaterally and in the Human Rights Council.

In 2015, the Dutch embassy supported projects relating to women's rights, the rights of employees (especially women), freedom of religion, human rights defenders, sexual and reproductive health and rights (SRHR), corporate social responsibility and combating torture. In addition, it supported local LGBT activities and monitored several court cases against journalists and activists. The ambassador held discussions with a number of Egyptian ministries to draw attention to various issues, including the shrinking space for civil society and the importance of freedom of expression and freedom of assembly. The EU expressed concern about the human rights situation in statements, during visits by for example High Representative Federica Mogherini, in subcommittee meetings convened in the framework of the Association Agreement, and in meetings of the Human Rights Council

### Iran

The human rights situation in Iran remains critical. There is still no sign of due process and the number of death sentences continues to be very high. In total, at least 966 people were executed in 2015, over 60% of them for drugs-related offences. Iranian government officials and MPs have started to question whether the death penalty is truly an effective deterrent against such crimes.

Following the conclusion of the agreement on Iran's nuclear programme in July, hard-liners within the regime launched a campaign to block greater political and cultural openness in Iran, claiming that the agreement paved the way for 'infiltration' by foreign powers. Moderate, reform-minded journalists, activists and politicians are being interrogated, arrested and locked up in increasing numbers. These measures were stepped up in the autumn, partly with a view to the parliamentary elections of February 2016. In response to this heavy-handed action, President Hassan Rouhani repeatedly spoke out in favour of safeguarding civil liberties. Religious and ethnic minorities in Iran

have no freedoms at all, but some legally recognised minorities enjoy a limited number of rights, albeit within narrow limits.

The human rights situation in Iran was a key topic of discussion during the visit of foreign minister Bert Koenders on 20 September 2015. Moreover, the Dutch ambassador in Teheran frequently raises human rights issues, including specific cases, in meetings with Iranian government officials or high-ranking dignitaries. The Netherlands supports activities aimed at reducing executions and promoting freedom of the press and media access. A different project focuses on protecting and supporting female Afghan refugees in Iran. These women receive vocational and entrepreneurship courses that are tailored to the labour market. The objective is to help them start economically viable businesses in their own homes.

## **Iraq**

The human rights situation in Iraq remained poor in 2015. The vast majority of the gravest human rights violations were committed by ISIS. Shi'ite militias (operating as members of the Popular Mobilisation Forces or otherwise) and Iraqi and Kurdish fighters were also guilty of human rights violations. In addition to violations committed in the framework of the armed conflict with ISIS, the general human rights situation was also deplorable. Minority rights, women's rights, freedom of religion, freedom of expression and other basic social, economic and political rights were ignored. For instance, torture was a common occurrence in state institutions such as prisons and police stations. The death penalty was carried out seven times in 2015 (including three times in Kurdistan).

The Netherlands raised these human rights violations at bilateral and multilateral level. In meetings with the Iraqi authorities, the Minister of Foreign Affairs discussed the issue of the death penalty. In 2015, the Netherlands supported projects in Iraq relating to women's rights, equal rights for LGBT people, young people and journalists.

## **Israel and the Palestinian Territories**

The Israeli-Palestinian conflict continued to have a major impact on the human rights situation in Israel and the Palestinian Territories in 2015. The Netherlands is very concerned about the human rights violations related to this conflict, including those connected to settlement expansion. Notable developments in 2015 included an increase in the number of attacks on Israeli citizens in Israel and the West Bank and the violence of Israeli settlers against Palestinians. The Government condemns attacks on innocent civilians and expects the authorities to respond to the violence in a proportional manner. In 2015, human rights issues were raised with the relevant authorities on several occasions at both political and senior official level. The Government and the EU consistently challenged the Israeli government on the illegality of the settlements and pointed out that Israel's settlement policy is undermining the two-state solution. Specific decisions in favour of settlement expansion were condemned by the EU.

In 2015, the Netherlands supported various projects, including initiatives aimed at protecting Palestinian minors in Israeli military detention, monitoring settlement construction and informing Israeli and international policymakers and the Israeli public about such developments, and combating the exclusion of Palestinians in occupied East Jerusalem from the municipal planning process. In the past year, the Netherlands also participated in donor consortiums supporting the Palestinian Independent Commission for Human Rights and the Human Rights and International Humanitarian Law Secretariat, which supports various Israeli and Palestinian organisations operating in the Palestinian Territories.

In 2015, the Netherlands also supported various reconciliation projects aimed at promoting mutual understanding and cooperation between Israelis and Palestinians across the Green Line.

The human rights situation in **Israel** is good in certain areas, for example as regards the rights of LGBT people. At the same time, there are some areas of concern, such as Israel's treatment of its Arab minority (e.g. policy in respect of the Bedouin community) and its policy on African refugees. The past year also saw a gradual and worrisome hardening of the public and political debate in Israel on the subject of human rights and the climate in which human rights organisations operate there. In a meeting with deputy foreign minister Tzepo Votively during his visit to Israel in July 2015, the Minister of Foreign Affairs emphasised the importance of the work of human rights organisations in maintaining a free and diverse society.

Responsibility for the human rights situation in the **Palestinian Territories** lies with the Palestinian Authority (PA) (in those areas of the West Bank where it exercises authority), Hamas (in Gaza) and Israel (in different forms in the various territories). This section focuses on the responsibilities of the PA and Hamas. The enforcement of the death penalty and extrajudicial executions in Gaza are a major cause for concern. The PA announced a moratorium on the enforcement of the death penalty in 2005, but Hamas does not respect the moratorium in Gaza. The number of reports of ill-treatment of prisoners and torture by the security services in Gaza and the West Bank also continued to cause concern, as do the restrictions on freedom of expression and freedom of the press. The position of women and LGBT people in the PA is also a source of concern: both groups are regularly subjected to violence. The Netherlands emphasised the importance of respect for human rights to the PA at political, diplomatic and senior official level, for example during the visit of foreign minister Bert Koenders in July.

#### *Human Rights Ambassador*

The Human Rights Ambassador visited Israel and the Palestinian Territories on 12-14 May 2015. The timing of the visit was connected to his participation in the 5th International Conference of the Global Forum for Combating Antisemitism, thereby emphasising the importance that the Netherlands attaches to this issue.

The ambassador discussed various issues with Israel's Ministry of Foreign Affairs, including Israel's position in the multilateral human rights framework and investigations into the actions of the Israel Defence Forces, and emphasised the importance of accountability. In accordance with an undertaking to the House of Representatives, the ambassador met with representatives of the Israeli government, UNICEF and various NGOs to discuss Palestinian minors in Israeli military detention. He also made a field visit to a military court.

In the Palestinian Territories, the ambassador pressed for greater democratic legitimacy and accountability, emphasising the importance of compliance with human rights instruments and respect for human rights in the security sector. The ambassador also raised the position of women and equal rights for LGBT people. The Ministry of Women's Affairs and NGOs are focusing a lot of attention on UN resolution 1325. In addition, the ambassador called for more attention to be paid to freedom of expression, freedom of assembly (especially in the case of trade unions) and freedom of the press. He also expressed his concerns regarding the humanitarian and human rights situation in Gaza.

#### **Jordan**

Jordan continued to struggle with the influx of Syrian refugees and regional instability in 2015. In response to these challenges, it restricted public freedoms. One highly negative development is the increase in the number of journalists and political activists being detained under anti-terrorism legislation, the Criminal Code and cybercrime legislation. Freedom of assembly and association was also eroded. The Jordanian government has imposed new restrictive guidelines on foreign funding of civil society organisations. As a result, activities and programmes have been modified and public meetings have been arbitrarily banned. These restrictive government measures were discussed in bilateral political talks with the Jordanian Minister of Planning and International Cooperation and the Secretary-General of the Jordanian Ministry of Foreign Affairs.

On 21 December 2014, Jordan lifted its eight-year moratorium on the death penalty, carrying out 11 executions. Since then 113 people have been sentenced to death in various murder cases, and two executions were carried out in connection with the murder of a Jordanian air force pilot by ISIS. In 2015, the Dutch embassy supported a Swiss initiative to draw attention to the World Day against the Death Penalty and push for the reintroduction of the moratorium. Discrimination against women is still enshrined in law in Jordan.

In cooperation with various NGOs, the embassy launched programmes promoting such issues as women's rights and independent investigative journalism. In meetings with representatives from civil society, it exchanged views on controversial legislation, compulsory restrictions on the work of civil society organisations and support for members of the LGBT community.

## **Kuwait**

Freedom of expression remains a source of concern in Kuwait. The authorities track bloggers and other social media users who criticise the government, some of whom have been prosecuted. As in previous years, several Kuwaiti nationals, including former MPs and journalists, have had their citizenship revoked.

The situation of the stateless Bidun barely improved. In 2015, the number of naturalisations only amounted to a few hundred, and the mandate of the special commission investigating Bidun case files was extended. In a positive development, the government accepted that the children and grandchildren of Bidun are eligible to serve in the army and work in state schools.

Migrant workers suffer abuses, such as excessive working hours and the confiscation of passports by sponsors (local supervisors), and have no access to legal assistance. They also remain at risk of administrative deportation and have no right to challenge decisions in this regard. In certain situations, migrant workers can even be deported over a traffic violation or non-compliance with environmental regulations. Kuwait is behind schedule in terms of implementing the international human rights instruments it has signed. In practice, a moratorium on the enforcement of the death penalty has been in place since 2007, with the exception of the execution of five people in 2013. At the end of 2014 the country numbered 49 people who had been sentenced to death. In 2015 seven more people, all convicted in separate cases, were added to this total.

On a positive note, Kuwait's parliament passed several laws in the field of human rights, including legislation on child protection, a family court act, an act establishing an independent human rights institute and a law on domestic workers. The last of these deals with a sensitive subject in the Gulf region – domestic service – which is generally regarded as a private matter that is nothing to do with the government. Kuwait has now abandoned this position, clearing the way to tackling abuses in this area.

The Dutch embassy and the Kuwaitis are currently cooperating on a project to inform migrant workers of their rights. In addition, the embassy provided human rights defenders with a capacity-building training programme focusing on Kuwait's Universal Periodic Review (UPR) in 2015.

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## **Lebanon**

Lebanon has a relatively sound framework for protecting human rights. The Lebanese constitution guarantees human rights, and the country has signed various international and regional human rights instruments. However, the implementation of these instruments is hampered by the political impasse that has afflicted Lebanon for many years. The government's efforts to monitor and follow up on human rights violations remain inconsistent.

Various human rights reports have noted an increase in torture and systematic abuse within the security services. The Netherlands and other EU member states have jointly expressed their concerns in this area to the Lebanese government. Lebanon cited the need to guarantee national security and the difficulties in controlling prison riots as reasons for its heavy-handed actions.

One positive development is a new law protecting women against domestic violence. However, there is still room for improvement in the field of women's rights, for example regarding political participation and women's right to pass on their nationality to their children.

The Netherlands has been active in the following areas in Lebanon: women's rights, equal rights for LGBT people, refugee rights, internet freedom and freedom of expression, elections, freedom from torture and conflict management/peacebuilding. The Dutch embassy in Beirut monitors violation patterns and also takes action in individual cases. Embassy representatives attended hearings at which human rights activists who had published a report on torture practices in Lebanon were indicted. The embassy entered into a dialogue with the Lebanese government in preparation for the country's Universal Periodic Review in November 2015. It also continues to push for the establishment of a human rights institute and an interministerial committee for the advancement of human rights.



## Libya

The human rights situation in Libya remained under pressure in 2015 as a result of the ongoing conflict in the country. The level of violence between armed groups differed from region to region, with heavy weapons being used in and around Benghazi, in particular. Human rights defenders, journalists and activists, among others, were frequently subjected to violence, abductions and threats. In addition, extremist organisations, including some with links to ISIS, were increasingly able to capture and consolidate their control over territory by exploiting the country's continuing power vacuum. According to a report issued by the Office of the High Commissioner for Human Rights (OHCHR) in November 2015, all the warring parties in Libya are guilty of breaches of international humanitarian law, including serious human rights violations.

Within the framework of the political dialogue facilitated by the UN, an important milestone was reached in December 2015 with the signing of a political agreement that is meant to serve as a basis for restoring stability to the country.

However, the absence of a government of national unity did not prevent the Netherlands from again taking action on human rights in 2015. In the past year, Dutch efforts focused in particular on women's rights, building the rule of law and the position of human rights defenders. For instance, on International Human Rights Day on 10 December 2015 the Netherlands organised a meeting in Tunis on the importance of transitional justice in Libya and the challenges facing human rights defenders, which was attended by two former Libyan Ministers of Justice, activists and experts. In addition, the Netherlands drew attention to the human rights situation in Libya in various multilateral human rights forums, especially in respect of such vulnerable groups as women, journalists and human rights defenders.

## Morocco

Since June 2014, respect for human rights in Morocco has been in decline, but the positive political and institutional reforms introduced by the new constitution of 2011 had lost momentum even before then. In response to the heightened terrorist threat, the security services and the authorities have stepped up security measures, actively obstructing the activities of several NGOs, journalists and activists. Freedom of expression is under particular pressure. Several foreign journalists, including Dutch freelance journalist Rik Goverde, were deported in 2015, often for unclear reasons. The same happened to representatives of Amnesty International and Human Rights Watch following the publication of critical reports.

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The human rights situation is frequently discussed in contacts with the Moroccan government, usually at EU level with active Dutch participation. Human rights are also part of the strategic EU-Morocco dialogue, and several individual cases have been brought to the attention of the Moroccan authorities in this framework. In 2015, the Dutch embassy supported projects in the field of women's rights, civil society capacity building, promoting human rights in prisons and justice sector reform.

## Oman

The human rights situation in Oman was largely unchanged in 2015. In previous years, it had gradually improved, certainly as regards socioeconomic rights, women's rights, disability rights and political participation. During the Universal Periodic Review in Geneva in November 2015, Oman's government announced that it would sign several important instruments, including the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance. On 25 October, elections were held for the Consultative (Shura) Council. Eighty-four new members were elected, bringing rejuvenation and renewal, but this number included just one woman.

The main issues in Oman are freedom of expression and freedom of assembly and association. The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association has issued recommendations in this area, for example with regard to amending the Criminal Code and drafting a law governing NGOs. In 2015, Oman started work on both instruments.

In 2015, the Dutch Government and various Omani parties discussed a range of issues in the field of human rights, including political participation, the UN Special Rapporteur's recommendations, and opportunities for exchanges and cooperation designed to support the public sector, including

on social media and its role in the public domain. The Government also expressed concern regarding the fact that the Nationality Act that had entered into force discriminates against women who wish to pass on their nationality to their children. In early 2015 representatives of the National Human Rights Commission, the National Committee for Combating Human Trafficking and the Ministry of Justice paid a working visit to the Netherlands. The Dutch embassy continues to pursue cooperation – and talks on cooperation – in this area.

## **Qatar**

The situation of migrant workers in Qatar continues to give cause for concern. Together with other EU countries, the Netherlands is discussing the issue with Qatari representatives. In the framework of a complaint against Qatar via the complaints procedure of the International Labour Organization (ILO), the Netherlands is working to secure further improvements and full compliance with ILO conventions. In response to sustained international pressure, Qatar announced a number of legislative amendments aimed at improving the legal position of migrant workers. In addition, it built new workers' accommodation, almost doubled the number of inspectors and blacklisted offending companies. If these measures are properly implemented, they will result in a substantial improvement. Human rights and business was also one of the main themes of the visit of the Human Rights Ambassador to Qatar in 2015, during which he discussed the issue with entities including the organising committee of the 2022 World Cup. The Dutch embassy subsequently brought together representatives of the Dutch business community in Qatar and the organising committee to discuss worker welfare.

Qatar continues to pursue repressive policies in relation to the fundamental freedoms of assembly and association. Trade unions are prohibited. Compared to surrounding countries there is a reasonable degree of freedom of expression, especially online, but the media engage in self-censorship. Qatar's only known prisoner of conscience, Mohammed al-Ajami, who wrote the poem 'Tunisian Jasmine', was not pardoned in 2015. Men and women are equal under the law, but women are disadvantaged in certain areas of family law. In 2015, death sentences were once again imposed in a number of murder cases, but a de facto moratorium on their enforcement has been in place since 2013. Elections for the Central Municipal Council in 2015 resulted in the appointment of two women, although registration for the elections was very low. The National Human Rights Committee resolutely pursues complaints and was once again the only such body in the Gulf region to receive an A rating.

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### *Human Rights Ambassador*

The Human Rights Ambassador visited Qatar on 14-16 February 2015. Issues discussed during his visit included the situation of migrant workers, women's rights, freedom of the press and freedom of expression. The ambassador met with various entities and individuals, including the Social Development Center, the National Human Rights Committee, the Ministry of Labour and Social Affairs, human rights defenders, Qatar University, the UN Human Rights Training and Documentation Centre, the Supreme Committee for Delivery and Legacy (the 2022 World Cup organising committee) and the Dutch business community. It became apparent during the visit that a large section of Qatar's elite is keen to tackle the problems relating to migrant workers. The 2022 World Cup organising committee is eager to meet with the Dutch business community, which has a good reputation in the field of corporate social responsibility.

During the ambassador's meeting with the 2022 World Cup organising committee, it emerged that Qatar has made significant advances in the past five years in terms of adopting and implementing labour standards. The committee expressed a specific interest in sitting down with Dutch companies to learn from their concerns and ideas.

## **Saudi Arabia**

The human rights situation in Saudi Arabia remained a source of concern in 2015. Freedom of expression is under great pressure, partly as a result of antiterrorism legislation adopted in 2014. The deterioration of the domestic security situation and political tensions in the region have made life very difficult for dissidents. Criticism of the House of Saud or sharia law is not tolerated.

The number of executions increased in relation to previous years. The death penalty was enforced 157 times in 2015. Given that the Saudi authorities are reluctant to publicise evidence for indictments and that trials are often conducted in camera, it is very difficult to assess whether

cases are pursued with due care. As in previous years, representatives of the Netherlands and other like-minded countries attended court hearings for human rights defenders in 2015.

The position of women continues to give cause for concern, although a number of advances were made in 2015. Female participation in the labour market has once again increased, and Saudi women were able to vote and stand for election for the first time in local council elections that took place in December. Twenty women were actually elected. New legislation allows NGOs to register with the authorities if they meet certain conditions. This was previously not possible.

The Dutch embassy again played an active part in the EU's human rights consultations with Saudi Arabia by pressing for EU statements, sharing information, attending trials, participating in events organised to mark International Human Rights Day (on the theme of domestic violence) and supporting an activity aimed at making legal information on the position of women accessible. The embassy continued its dialogue with the authorities (the Ministry of Foreign Affairs and the National Human Rights Committee) and delivered demarches in the Badawi case and in response to information regarding imminent executions. It also intensified and expanded its dialogue with the NGO network. The House of Representatives was informed of these developments by letters of 14 and 16 March 2016.

## **Syria**

The increase in the number of Syrian refugees heading towards Europe and Russia's military intervention in September 2015 added two new dimensions to the conflict in Syria. The continuation of the regime's aerial bombing campaign and the grave deterioration of conditions in the country were main reasons for the increased outflow of Syrians. Russian airstrikes are hitting military and civilian targets and causing civilian casualties. At the end of 2015, the number of fatalities caused by the almost five-year conflict stood at over 260,000. Of the more than 55,000 deaths that occurred in 2015 alone, 21,000 were civilians. President Assad's regime is responsible for most of these civilian deaths (over 15,000), particularly through the use of barrel bombs. More than 1,500 civilians died as a result of torture by members of the regime.

The besieging of areas in Syria, especially by military forces and other armed groups allied to the regime, and the subsequent denial of humanitarian access to those areas, continued in 2015. The civilians in these areas (363,000) generally have little or no access to humanitarian aid, since the regime grants the UN little or no access. In the areas under its control, ISIS's rule is characterised by a multitude of human rights violations, including forced marriages, corporal punishment, torture of prisoners, executions (including of minors), the use of child soldiers, the abduction of Yazidi women from Iraq to Raqqa and the sale of women and girls in markets as domestic or sex slaves.

The aim of the Netherlands' activities in Syria is to alleviate these difficult conditions through humanitarian aid and increase the resilience of the Syrian population, for example by supporting Syrian rescue workers and backing the development of a civilian police force. The Netherlands is also committed to accountability and supports initiatives to document human rights violations. The objective of the UN Special Envoy for Syria is to facilitate a political solution and bring an end to the conflict.

## **Tunisia**

In 2015 Tunisia was in the news for both positive and negative reasons. Terrorist attacks had a substantial impact on the democratic transition process and related advances in the field of human rights. Although civil rights and individual freedoms are firmly enshrined in the new constitution, reality still needs to catch up. For example, human rights organisations heavily criticised the new antiterrorism law on various grounds, including its excessively vague definition of terrorism, its inclusion of the death penalty as a punitive measure and insufficient guarantees of a fair trial. The growing call for stability and security, which is fuelled by the media, has led to a limited revival of old police practices such as torture, unlawful detention and harassment of relatives of terrorist and criminal suspects. The watchdog role of a strong civil society is crucial in such a fluctuating environment.

In contrast, Tunisia also attracted international attention in 2015 on account of the award of the Nobel Peace Prize to the Tunisian National Dialogue Quartet, which has played a key role in the transition process. In a turbulent region, Tunisia can still be regarded as a beacon in terms of

guaranteed freedom of expression, protection for women's rights and respect for freedom of religion. Positive developments in 2015 include the establishment of a constitutional court, which reviews the constitutionality of all legislation, and a Supreme Judicial Council, which acts as an independent body overseeing the judiciary.

In 2015, the Dutch embassy focused on three key human rights issues: equal rights for LGBT people, compliance with human rights standards in the prison system, and freedom of the press, for example by supporting a training programme for investigative journalists in order to widen the independent media landscape and setting up a prisoner reintegration programme in accordance with human rights standards.

### **United Arab Emirates**

The working conditions of foreign workers remain a sensitive issue in the United Arab Emirates (UAE), although some progress is being achieved in this area. In 2015, the government announced three ministerial orders aimed at improving the country's employment laws. These reforms, which entered into force in January 2016, are meant to improve labour relations between employers and employees and clarify the rights and duties of both parties.

In October 2015, Emirati activist Ahmed Mansoor was awarded the Martin Ennals Award for Human Rights Defenders for his efforts to draw attention to abuses in the Gulf state, although he was unable to collect the award in person because of a government-imposed travel ban. In 2011, Mansoor was sentenced to three years in prison for insulting the president and other members of government. However, he never served his sentence because he was pardoned by the president the next day.

Within the region, the UAE is at the forefront of gender equality. In November 2015, for example, Amal Al Qubaisi was appointed as the first female President of the Federal National Council, and various women have been appointed to ministerial posts and senior positions in the private sector.

The human rights situation in the UAE is discussed in the framework of contacts with the country's government, often at EU level. In 2015, the EU and the UAE continued their dialogue on the promotion of human rights, for example during consultations in Brussels in November 2015. Speaking in the European Parliament, EU High Representative Federica Mogherini noted that the EU uses these regular contacts to discuss various concerns, especially regarding freedom of expression. The EU also highlights the importance of protecting individual rights in the context of cooperation in the field of counterterrorism.

### **Yemen**

The capture of the country's capital, Sana'a, by the Houthis and militias allied to former President Ali Abdullah Saleh in September 2014 brought the political transition process in Yemen, which started in 2011, to a standstill. On 26 March 2015, a Saudi-led coalition launched air strikes against targets in Yemen. Since then, the human rights situation has deteriorated sharply, with all parties being accused of violations. Thousands of civilians have died, while the number of internally displaced persons has risen dramatically. Freedom of expression has come under further pressure as a result of the conflict. NGOs, newspapers and magazines have been shut down by the Houthis, and human rights activists, journalists and politicians have been abducted. The Minister of Defence has been held captive for almost a year.

Despite these challenging circumstances, the Netherlands continued to support several activities in Yemen. The Dutch embassy supports a Yemeni organisation that documents human rights violations. It prepared a report on the impact of the air strikes, which was published online. Through UNDP, the Netherlands contributed to capacity building in the Ministry of Human Rights, NGOs and an independent human rights institute. In addition, it cooperated with Penal Reform International to reform the Yemeni prison system. Interventions in the health sector and the judicial system focused on gender-related violence and child brides.

In 2015, it became clear that it would not be possible to submit a joint Yemeni-Dutch resolution to the UN Human Rights Council, because agreement could not be reached with the Yemeni government on an independent international mechanism to investigate possible violations of international humanitarian law and human rights. There was no backing in the Human Rights

Council for the submission by the Netherlands of an alternative resolution outlining a similar proposal.

## 3.2 Sub-Saharan Africa

### 3.2.1 Regional overview

#### Botswana

In 2015 the Human Rights Ambassador visited Botswana, a country whose constitution enshrines many civil and political rights. Combined with an independent judiciary, this ensures that the country has a good human rights record. It also has a strong record in the fight against impunity, where it has a constructive partner in the Netherlands. Activities organised with Dutch support included a seminar on the International Criminal Court. Human rights issues in Botswana that give rise to international criticism, such as the role of women and equal rights for LGBT people, were openly discussed during the ambassador's visit. The law on these topics is developing in a positive direction, thanks mainly to the country's courts and its strong constitution.

#### Burundi

The human rights situation in Burundi deteriorated sharply in 2015. Protests inspired by the nomination of President Pierre Nkurunziza for a third term were ruthlessly repressed, and there were reports of extrajudicial executions, sexual violence and torture.

The Netherlands continued to highlight the consequences of the government's ever-harsher treatment of its own citizens, both at EU level and bilaterally in response to the security forces' violent response to the invasion of the Burundian province of Cibitoke at the beginning of 2015. The Dutch embassy's media programme was virtually closed down as a result of the destruction of the country's independent radio stations. In partnership with La Benevolencija, the embassy explored ways of keeping the affected stations running. Where possible, the media programme will continue its activities in 2016. The UN Special Envoy for the Great Lakes visited Burundi on several occasions in 2015 to look for ways to open up a dialogue with the Burundian government.

The Netherlands manages a sizeable programme in Burundi focusing on police and military reform. Following the outburst of violence around the protests in April, the failed coup in May and the harsh police response to those events, the Netherlands suspended two of the programme's three pillars, namely cooperation with the police and cooperation with the military. The governance pillar is still operational, and the House of Representatives has been informed accordingly. As previously mentioned, Dutch foreign minister Bert Koenders chaired the EU's consultations with Burundi under article 96 of the Cotonou agreement in December 2015.

#### Democratic Republic of the Congo

The human rights situation in the Democratic Republic of the Congo (DRC) deteriorated in 2015. A number of freedoms have been curtailed in the run-up to the presidential election scheduled to take place in November 2016. For instance, the authorities prevented members of the opposition from demonstrating, blocked telephone and internet traffic in response to disturbances in January 2015, and have arrested a growing number of human rights activists and members of the opposition.

The Dutch embassy supports human rights defenders, is active in the human rights network, and regularly attends trials. Progress has been made in the fight against sexual violence against women, in particular because the Congolese army (FARDC) is actively implementing its action plan on taking responsibility in this area. However, the initial ban on the screening of a film about Doctor Mukwege shows that the Congolese authorities are not yet open to criticism of their policies. The human rights situation in the east of the DRC is still largely determined by the armed conflict between rebel groups and the military. In 2015, the Ugandan ADF-NALU rebel group regularly caused civilian casualties in the city of Beni.

#### Ethiopia

The parliamentary elections that took place in Ethiopia on 24 May 2015 resulted in an absolute victory for the incumbent EPRDF party. Several controversial decisions prior to the elections, including the restriction of freedom of the press and the arrest of opposition members, had a

negative impact on the opposition's participation. Shortly before President Obama's visit in July 2015, five members of the Zone 9 blogging collective were released. This was followed in October by the acquittal of four other members of the group. One member is still in prison but is no longer being prosecuted under the anti-terrorism law. Although much progress has been made on socioeconomic issues, developments relating to freedom of expression and the rule of law continue to give cause for concern. Existing legislation on civil society organisations prevents many of them from carrying out activities promoting human rights, good governance and democratisation. Individuals who criticise the government still risk being charged under the country's Anti-Terrorism Proclamation. The government is currently drafting a new National Action Plan on Human Rights for 2016-2018, which will incorporate the UPR recommendations adopted in 2014. Ethiopia remains the largest host country for refugees in Sub-Saharan Africa and continues to operate an open-door policy. It is currently providing shelter to more than 750,000 refugees from the region, a number that is expected to rise even higher in 2016. In August, the Ethiopian parliament passed an important new law on human trafficking which has, however, some worrying aspects, such as its explicit inclusion of the death penalty and the fact that the burden of proof can be placed on the defendant.

In 2015, several subjects were discussed in the framework of the political dialogue between the EU, the member states and Ethiopia, including scope for political action, restrictions on freedom of the press, religious tolerance and the actions of the security forces.

The Dutch embassy funds various projects aimed at promoting the rule of law, strengthening the justice system and improving the legal protection of human rights.

### **The Gambia**

The Gambia continues to distance itself from the West. The latest development is the president's declaration that the country will become an Islamic republic. Freedom of expression is under serious pressure, journalists disappear or are intimidated, and LGBT people fear for their lives. The number of Gambian refugees in Senegal is growing.

#### *Human Rights Ambassador*

The Human Rights Ambassador hosted a meeting on the human rights situation in Gambia during his visit to Senegal. The meeting was attended by various human rights organisations, journalists and multilateral organisations.

### **Kenya**

Kenya's progressive constitution, which was adopted in 2010, provides a firm foundation for the protection of human rights. In recent years, however, there have been concerns that it is not being properly implemented and that it has been undermined by new legislation on freedom of the press, privacy and physical integrity, especially in the framework of counterterrorism activities. The space for civil society is also shrinking. Examples of this include various attempts to deregister NGOs and the placing of two Islamic human rights organisations on a list of terrorist entities. Although no links to terrorism could be found, and the organisations were exonerated, their reputation and work were harmed. Together with several other countries, including the United States, the Netherlands signed a declaration expressing concern about the planned deregistration of 957 NGOs. Partly as a result of this storm of protest, the plan appears to have been shelved for the time being. The heavy-handed tactics of the security services in the fight against terrorism also give cause for concern. In 2015, for example, two partners of the Dutch embassy – the Kenya National Commission on Human Rights and the Independent Medico-Legal Unit – recorded a considerable number of extrajudicial executions, cases of torture and deaths resulting from police violence.

The Dutch embassy is the EU's focal point for human rights in Kenya and chairs the two-monthly meetings of the Human Rights Defenders working group. It is also active in the LGBT network and where possible tries to integrate LGBT organisations and issues into the mainstream human rights discourse. The National Coalition of Human Rights Defenders – Kenya, which advocates better protection of human rights defenders, is an important partner of the embassy.

## Mali

In 2015 there was a small decline in the number of human rights violations in Mali. During a visit in October 2015, UN Independent Expert on the situation of human rights in Mali Suliman Baldo noted positive developments in the field of human rights. However, he also concluded that the precarious security situation created an environment in which fundamental human rights violations remained possible. In 2015 the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA) documented human rights violations by both the Malian armed forces and the various armed groups operating in the country. In December, the OHCHR published reports on human rights violations in Kidal in 2014 and Tin Hama in 2015. Both reports were rejected by the armed groups. One positive development was the appointment of the members of the Truth, Justice and Reconciliation Commission, which aims to focus on individual victims. Reconciliation remains the ultimate goal, but not without achieving justice for victims. The human rights situation in detention centres continues to give cause for concern. In autumn 2015 294 conflict-related prisoners were being held in detention centres belonging to the Malian government. MINUSMA visited 60 prisoners, half of whom had been exposed to torture or ill-treatment. UN Secretary-General Ban Ki-moon mentioned this in his report to the Security Council, and MINUSMA is working to raise awareness of human rights among Malian commanders. Although the number of verified cases of sexual violence has declined, the position of women remains a source of concern.

In 2015 the Dutch embassy actively promoted various issues, including equal rights for women and LGBT people, and contributed to the establishment of local consultation mechanisms for actors in the criminal justice system. For example, a new legal advice centre was inaugurated in the district court of Ségou. In its contacts with the authorities, moreover, the embassy actively raised the issue of human rights in general, as well as the specific importance of prosecuting human rights violations committed during the conflict.

## Nigeria

The human rights situation in Nigeria remains a source of concern. Although Boko Haram is weaker and has lost control over much of its territory in the north-east of the country, it still carries out regular attacks through which it manages to inflict large numbers of casualties. A notable development in 2015 was the organisation's increasing use of women and girls to carry out suicide attacks. The Nigerian army uses excessive force in the fight against Boko Haram. In addition, as a result of tensions between ethnic and religious groups as well as other factors, outbursts of violence resulting in numerous casualties are an almost daily occurrence. No death sentences were carried out in 2015. States governed by sharia law also impose the death penalty and various forms of corporal punishment. Equal rights for LGBT people remained a taboo subject in 2015. Although the federal government is not actively implementing the Same Sex Marriage (Prohibition) Act, the Act has placed LGBT people in a more vulnerable position.

In 2015, the Dutch embassy funded a large number of activities focusing on freedom of the press, women's rights, equal rights for LGBT people, human trafficking and the environmental and human rights situation in the Niger Delta. During the year, the embassy gave human rights a visible profile, for example during events marking International Human Rights Day on 10 December, and maintained close contacts with Nigerian human rights organisations and the National Human Rights Commission.

## Rwanda

Developments in the field of human rights in Rwanda presented a mixed picture in 2015. While 2014 was characterised by a large number of 'disappearances' and arrests for breaches of national security, the situation was comparatively calm in 2015. Once again, progress in the field of social and economic rights was not matched by progress in the field of political rights. Human Rights Watch published a report exposing human rights violations in the Gikondo Transit Centre, a facility where homeless people, street vendors and sex workers are detained without trial. Media reforms, which were partly funded by the Netherlands, have resulted in better, less restrictive legislation but have done little to create a freer media landscape. One positive development was the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment. During the Universal Periodic Review in November, Rwanda announced that it had implemented 63 of the 67 accepted recommendations from the previous UPR. In addition, the country has directly adopted 50 new recommendations and is considering 103 others.



The Netherlands' dialogue with Rwanda allows for constructive criticism. In 2015, as in previous years, the country's human rights situation was discussed in the framework of this dialogue, for example during President Paul Kagame's visit to the Netherlands. In the past year, the Dutch embassy supported projects promoting free media, access to justice for vulnerable groups and the establishment of one-stop centres for victims of gender-based violence. It also maintains regular contacts with human rights defenders, journalists and bloggers, and representatives of political opposition parties and movements who get into difficulties.

### **Senegal [vraag vertaler: hoort Senegal vóór Rwanda?]**

The human rights situation in Senegal is stable. Freedom of the press and democratic processes may be described as good. The country has promised to make progress in the field of women's rights by amending a law on abortion and introducing a law raising the legal age of marriage for girls, and by introducing sex education into the curriculum. In practice, however, these moves are being delayed by resistance from religious and traditionalist groups. The situation of the LGBT community is becoming increasingly difficult. Public opinion is fiercely opposed to homosexuality and the debate is becoming more hostile. Multiple arrests (which received extensive media coverage) were made on two occasions in 2015, a clear increase in comparison to previous years. The Human Rights Ambassador raised these issues during his visit to Senegal. He also used this opportunity to praise the country's strong record in the fight against impunity, especially with regard to mass violations of human rights, such as its decision to host the trial of former Chadian dictator Hissène Habré and its presidency of the Assembly of States Parties to the Rome Statute.

The Dutch embassy contributed to activities aimed at raising awareness of the trial of Hissène Habré among the Senegalese population. It also delivered several demarches at bilateral and EU level. The embassy marked International Human Rights Day in an innovative manner by inviting secondary school students and their mothers to the ambassador's residence for a film screening and discussion on child marriage in Senegal.

#### *Human Rights Ambassador*

The Human Rights Ambassador visited Dakar on 24-27 August to identify opportunities for cooperation and draw attention to Dutch human rights priorities. He met with the minister for women's affairs and officials of the ministries of Justice, Foreign Affairs and Health, and organisations including OHCHR, UNAIDS, Amnesty International and Girls Not Brides. The ambassador also visited various local and regional NGOs that promote equal rights for LGBT people, SRHR and women's and children's rights. In addition, he met with various civil society organisations to discuss the human rights situation and the situation of human rights defenders in Gambia.

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### **Somalia**

The human rights situation in Somalia continues to cause grave concern. In 2015, it topped the Committee to Protect Journalists' Global Impunity Index for the first time, reflecting the precarious situation of journalists, the general climate of impunity and the arbitrariness of the barely functioning legal system. Serious human rights violations, including corporal punishment, stonings and beheadings, are taking place in the areas controlled by Al-Shabaab. An alarming development identified in a report issued by the Somalia and Eritrea Monitoring Group concerns human rights violations perpetrated by troops belonging to AMISOM, the African Union's peacekeeping mission in Somalia.

The Dutch embassy in Nairobi actively participates in international human rights consultations with the authorities in Somalia and Somaliland – both at EU level and in a wider donor framework. The Netherlands supports training programmes for journalists and efforts to promote freedom of the press and contributes to capacity-building programmes for the parliaments in Mogadishu and Hargeisa. It also supports prison building and training programmes for judges through the UN Office on Drugs and Crime (UNODC), as well as various organisations that are committed to improving the economic and political position of women. As co-chair of the Rule of Law working group of the New Deal Compact for Somalia, the Netherlands is actively helping to develop and strengthen the rule of law.

### **South Africa**

The South African constitution protects a wide range of social, economic and civil rights. In practice, however, the government does not have the capacity to implement the relevant legislation or to guarantee compliance. Sexual and other forms of violence against women and LGBT people also remain a problem. As President Jacob Zuma and his party come under increasing pressure, the ANC's criticism of the media and the institutions that are meant to protect constitutional rights is also on the rise. However, the country still has free and critical media, and civil society is active and faces little governmental intervention or restriction, although it receives no government funding. At multilateral level, South Africa's actions in the field of human rights are inconsistent and occasionally unpredictable. It generally adopts an anti-Western stance and presents itself as the voice of the Global South.

In 2015, the Dutch embassy set up a human rights programme with a particular emphasis on women's rights, especially violence against women, and LGBTI issues. Some of the programme's activities utilised South Africa's unique expertise and networks to target the entire region. The embassy also supported several initiatives aimed at increasing support for the International Criminal Court (ICC), such as a conference in Johannesburg and a film screening and panel discussion at Wits University featuring ICC Prosecutor Fatou Bensouda.

## **Sudan**

Taken as a whole, the human rights situation in Sudan did not improve during the first half of 2015 and improved slightly during the second half. In the framework of the National Dialogue, there occasionally appeared to be some cautious progress on such issues as freedom of the media, freedom of assembly and freedom of expression. In contrast, respected human rights defenders and Protestant pastors were subjected to politically motivated trials. The courts are not independent, and legal norms are often defined in vague terms. One example of this concerns the wearing of 'immodest clothing', a charge directed at certain women and sometimes even at athletes. Civil society operates under persistently difficult conditions. In the conflict areas of Darfur, South Kordofan and Blue Nile, serious human rights violations were committed by all parties. However, since the relaunch of the National Dialogue, the renewal of talks with armed groups and the temporary ceasefire, there seems to have been some improvement in the human rights situation.

The Dutch embassy focused on providing space for human rights defenders and civil society and emphasising respect for human rights on behalf of the EU. It organised events on International Women's Day and International Human Rights Day. In honour of the visit of UN Independent Expert on the situation of human rights in Sudan Aristide Nononsi, the embassy organised a dinner with human rights defenders. It also supported a number of projects of local and international NGOs focusing on freedom of expression, women's rights and human rights defenders.

## **Uganda**

Developments in the field of human rights in Uganda were fairly positive in 2015. Three key issues dictated the human rights agenda: the NGO Bill, the Public Order Management Act and the Anti-Homosexuality Act. There was much to criticise in the government's initial proposals, and Uganda's vibrant civil society did so with vigour. Consultations between the government and civil society resulted in the softening of some controversial provisions. Media reports on election campaigns are spirited and devote a lot of attention to the opposition. Violations of freedom of expression in the media are limited in number. Although the larger media corporations exercise a certain amount of preventive self-censorship, research indicates that the substance and tone of reports on the forthcoming elections are fairly balanced. The public and political debate on homosexuality took on a much lower profile in 2015. Although incidents involving LGBT people continue to occur, civil society organisations also note that there has been a slight improvement. A Gay Pride rally and an LGBT banquet took place without incident in 2015. Parliament placed the Anti-Terrorism Bill on its agenda in May 2015 (it was passed on 6 January 2016). Opposition MPs and civil society organisations criticised the Act on the grounds that its broad definition of terrorism would enable the government to harass its political opponents.

The Dutch ambassador chaired the Partners for Democracy and Governance Working Group and invited representatives of human rights organisations to discuss trends in the run-up to the elections in February 2016. The embassy also actively supported the East and Horn of Africa Human Rights Defenders Project.

## Zimbabwe

The human rights situation in Zimbabwe has improved in recent years, thanks to a decline in the number of serious human rights violations. At the same time, the country's repressive system of government remains in place, and large-scale human rights violations could easily re-emerge in the event of political unrest. There was systematic intimidation in 2015, and several forced disappearances were reported, including that of human rights activist Itai Dzamara, who disappeared in March 2015. The Zimbabwean government attempted to harmonise existing laws with the new constitution, but these adjustments focused on minor technical matters and not on legislation restricting citizens' constitutional rights. While the government was occupied with internal party politics, the deteriorating economic situation has had a negative impact on citizens in the form of a sharp drop in purchasing power and the growth of the informal sector.

In 2015 the Dutch embassy continued its efforts to promote human rights in Zimbabwe by cooperating with approximately 30 organisations in four thematic areas: constitutionality, the media, LGBT issues and human rights defenders. The embassy was involved in innovative trilateral cooperation initiatives with other EU and African embassies in such areas as child marriage, equal rights for LGBT people and the death penalty. Examples of these interesting new coalitions include a project with the embassies of Zambia and Malawi promoting the fight against child marriage, a project with the embassy of Botswana on the death penalty and a project with the embassies of Ghana and Brazil in the campaign against child labour.

## 3.3 Asia

### 3.3.1 Regional overview

#### Afghanistan

Progress has been made in several areas over the past few years, including access to education and medical care. As regards freedom of the press, Afghanistan compares favourably to surrounding countries such as India, Pakistan and Uzbekistan.

Despite these encouraging results, much remains to be done before human rights are adequately safeguarded in Afghanistan. Lack of financial resources, widespread conflict and violence, limited economic growth and conservative forces in society will continue to impede progress in the coming years.

Women suffer serious discrimination and abuse, and children's rights remain a source of concern. Child marriages and forced marriages are common in rural areas, as is the practice of exchanging girls or giving them away to settle disputes. In recent years, progress has been made in the field of access to the courts, although this remains beyond the reach of a substantial part of the population. Impunity is also widespread: influential Afghans frequently go scot-free. While living conditions in prisons have improved, the situation there remains a source of concern.

In a conservative country such as Afghanistan, however, every step forward is an achievement in itself. In the past year, the Afghan government launched several initiatives to improve the human rights situation, including a National Action Plan on Women, Peace and Security (UN Security Council resolution 1325). Another positive development is that the national unity government has appointed women as ministers, governors and ambassadors. The government and donors are currently working on legislation that is meant to enshrine children's rights in Afghan law.

Human rights are one of the cornerstones of Dutch policy in respect of Afghanistan. For example, the Netherlands supports efforts to strengthen the rule of law and promote women's rights. It also supports various other activities, organisations and awareness-raising programmes in the field of human rights. For instance, the Netherlands supports UN Women and is one of the most active donors to the Afghanistan Independent Human Rights Commission.

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#### Australia

In general, human rights are adequately protected in Australia. However, some concerns were recently raised during the Universal Periodic Review. For example, the country is criticised for the way in which it intercepts boats carrying migrants and/or refugees on the high seas and the fact that it processes asylum applications in offshore facilities. It has also been criticised for its treatment of indigenous population groups (Aboriginals and Torres Strait Islanders), who are over-represented in detention centres, subjected to discrimination and socially and economically disadvantaged. The Australian Marriage Act of 1961 does not permit same-sex marriage. According to opinion polls, however, the Australian people are overwhelmingly in favour of full equality for homosexuals in this regard. Australia advocates abolishing the death penalty and is a candidate for membership of the Human Rights Council in 2018-2020.

The network of Dutch diplomatic and consular missions in Australia actively promotes the key objectives of Dutch human rights policy. The embassy in Canberra and the consulate-general in Sydney support public events, such as the Mardi Gras film festival, which screened the Dutch film *Jongens*, and the Passion for Peace festival, which focused on the 100th anniversary of the International Congress of Women that took place in The Hague in 1915. The embassy also maintains close contacts with a wide network of local NGOs and LGBT activists.

#### Bangladesh

In 2015 the Netherlands continued to play a leading role in discussions and activities aimed at improving safety and working conditions in Bangladesh's textile industry. During a visit to the country in June, Minister for Foreign Trade and Development Cooperation Lilianne Ploumen once again made sure that she was aware of the current situation and advances in the sector by

speaking to all the relevant parties. She also drew attention to the deteriorating position of labour unions in the textile industry.

Bangladesh has one of the highest percentages of child marriages in the world. In 2015, Ms Ploumen discussed the issue with the Bangladeshi government. A forthcoming law setting the legal age of marriage for boys and girls at 18, but with the possibility of an exception for girls aged 16-18, was also discussed. Opponents of the law fear that this exception will be employed on a large scale, since marriage before the age of 18 is a widespread phenomenon in Bangladesh. Thanks to the efforts of an active lobby, the law has still not been debated in parliament.

In 2015, Bangladesh experienced a serious deterioration in the field of freedom of speech (five secular bloggers and one publisher were murdered). Restrictions were also imposed on the freedom and scope for civil society to criticise the government, and the media were curtailed by means of a new broadcasting policy and ICT law. In addition, a new Foreign Donations Act is in the pipeline, designed to regulate the activities of NGOs more strictly.

To the extent that arrests were made for the murders of the bloggers, the perpetrators mostly adhered to strict Islamic beliefs. The response of the Bangladeshi authorities may be described as ambivalent. Bloggers were more likely to be advised to leave the country than to be offered adequate protection. Only after extremists also began targeting publishers at the end of November did the authorities adopt a more active stance.

During various bilateral meetings with the government of Bangladesh in 2015, Prime Minister Mark Rutte, Minister of Foreign Affairs Bert Koenders and Minister for Foreign Trade and Development Cooperation Lilianne Ploumen all expressed concern about the country's suppression of freedom of speech and the shrinking democratic space. In addition, the EU repeatedly called on the government to investigate the various murders and attacks that took place during the year.

Bangladesh still has the death penalty on its statute book. Many people who have been sentenced to death are never executed. However, an exception is made for those who are sentenced to death by the International Crimes Tribunal (ICT) in Dhaka for war crimes committed during the country's 1971 war of independence. In 2015, three former politicians convicted by the ICT were hanged. The EU issued statements in response to the hangings, in which it called on Bangladesh to impose a moratorium on the enforcement of the death penalty.

In 2015, the Dutch embassy supported projects promoting the protection of human rights defenders and ethnic minorities, freedom of expression and advocacy. For example, it initiated regular consultations with seven other embassies in Dhaka in order to coordinate support for threatened human rights defenders as effectively as possible. It also funded a project supporting ethnic minorities. In addition to all this, the embassy funds a project that investigates and documents the lives of the Rohingya, an ethnic Muslim minority from predominantly Buddhist Myanmar whose members are living – mostly illegally – in Bangladesh.

## **China**

In 2015, the fact that a large number of people were detained for exercising their constitutional rights was a major source of concern. In July, for example, the authorities questioned or detained approximately 300 human rights lawyers and activists. Roughly 30 of them are still being detained, half of whom were officially informed at the beginning of 2016 that they were suspected of undermining the state, an offence that carries a maximum sentence of life imprisonment. Pressure on the family members of detainees has also increased.

The Chinese government published several draft laws on cybersecurity and the regulation of international NGOs in 2015. Certain elements of these laws are incompatible with China's international obligations. The same applies to the anti-terrorism act adopted in 2015. The NGO act, in particular, may have far-reaching implications for the activities of foreign organisations in China, both in the field of human rights and beyond. The EU has communicated these concerns to the Chinese authorities.

In 2015, the Committee against Torture expressed concern about several issues in China, including the length of provisional detention, the detention of human rights lawyers, suspicious deaths in custody and provisional detention in secret locations.

There were also some signs of progress in 2015. For example, the number of offences for which the maximum sentence is the death penalty was reduced by nine. The family planning policy has been relaxed, meaning that most married couples may now have two children instead of one. In addition, the long-anticipated law on domestic violence, which is not perfect but nevertheless represents a significant improvement, was adopted.

On 8-9 October 2015, bilateral human rights consultations took place between the Human Rights Ambassador and the Chinese Ministry of Foreign Affairs' Special Representative for Human Rights, Liu Hua. On 7 December 2015, the Dutch Minister of Foreign Affairs reported on these talks by letter to the House of Representatives (MINBUZA-2015.587919).

The Dutch embassy regularly tries to attend trials against human rights defenders but almost never receives permission to do so. For example, in the cases against Gao Yu (a retired journalist sentenced to seven years in prison for sharing a Party document with the foreign press) on 17 April in Beijing and Pu Zhiqiang (a human rights lawyer) on 8 and 14 December in Beijing, embassy officials once again failed to gain access to the courtroom. Nevertheless, human rights defenders greatly appreciate these attempts.

With the financial support of the Human Rights Fund, the embassy carried out 31 projects in the following areas: human rights defenders, equal rights for LGBTI people, equal rights for women, serious human rights violations, freedom of expression and internet freedom, human rights and business, and Tibet. On 17 May, the embassy and local LGBT organisation Gayspot organised a photo exhibition, with an accompanying documentary and presentations, to mark International Day against Homophobia, Transphobia and Biphobia (IDAHOT). On 9 December, the embassy organised an afternoon screening of the film *Timbuktu*, courtesy of Movies that Matter, to mark International Human Rights Day on 10 December. In the framework of the human rights dialogue with China, the Human Rights Ambassador conducted detailed discussions about developments in the field of human rights, as well as specific cases of human rights defenders who were being prevented from working or had been detained. He also presented a list of names.

## India

In 2015, much attention and discussion was devoted to rising communal tensions in India. The Indian constitution prohibits discrimination on the grounds of religion, race, caste, gender and origin, and this is not disputed. At the same time, there are signs of an increase in the number of communal incidents. In 2015 religious minorities were targeted in a number of notorious attacks. Although the country's central government is sometimes reluctant to condemn such forms of violence, concerns about religious freedom and the threat of widespread communal violence, which were expressed when the current government took office in mid-2014, have definitely not materialised.

Violence against women once again attracted a lot of attention in 2015, for example in connection with the release from juvenile detention of the minor involved in the infamous gang rape of a 23-year-old student in Delhi in 2012. As a result, a private member's bill making it possible to try people as adults from the age of 16 gained enough traction to be passed, which is a worrying development from the perspective of children's rights. Efforts to combat violence against women also play a key role in government policy and enjoy widespread political support. For instance, Prime Minister Narendra Modi is openly involved in the Save the Girl Child initiative, which focuses on preventing sex-selective abortion and infanticide.

Homosexual acts are still prohibited by the criminal code. Negative attitudes towards equal rights for LGBT people persist in broad strata of the population. In practice, this creates a breeding ground for various forms of discriminatory behaviour, including social and economic exclusion, stigmatisation and physical and psychological violence. On a positive note, India's Supreme Court has raised the issue that, in addition to underprivileged castes, quotas should also be established for other disadvantaged groups in society, such as transsexuals. Although universal acceptance of LGBT people is still a long way off, several politicians, including prominent figures within the ruling BJP, which is generally characterised as a Hindu nationalist and socially conservative party, are having a positive influence. In 2015, for example, Minister of Finance Arun Jaitley spoke out in favour of equal rights for LGBT people and the decriminalisation of homosexual acts. He was supported in this call by his predecessor from the Indian National Congress party Palaniappan Chidambaram.

The Dutch embassy chiefly focuses on combating discrimination against women and LGBT people. In 2015, it stepped up its existing efforts in support of women's rights and economic and political empowerment. During a visit in June 2015, Prime Minister Mark Rutte and Minister for Foreign Trade and Development Cooperation Lilianne Ploumen announced that the Netherlands would start funding the Azad Foundation, which has set up a taxi service operated for and by women. This project offers women from marginalised groups a chance to extricate themselves from their current difficulties through economic empowerment and skill development, which is a priority within Prime Minister Modi's Skill India initiative. New interventions promoting the rights of LGBT people were also successfully linked to the government's agenda. For example, the embassy is cooperating with LGBT organisation SPACE to increase employment opportunities for marginalised groups within the LGBT community, thus contributing to the long-term process of social acceptance of LGBT people.

## Indonesia

In general, the human rights situation in Indonesia did not deteriorate in 2015. However, there are concerns regarding the protection of religious minorities and the pressures faced by the LGBT community. The situation in Papua and West Papua ('Papua') also remains a source of concern. Although freedom of religion is enshrined in the constitution, there was a significant rise in religious intolerance in 2015 compared to 2014.<sup>51</sup> President Joko Widodo took a number of encouraging steps in Papua, pardoning several political prisoners, including Filep Karma, and announcing that foreign journalists would henceforth be free to visit Papua without restrictions. Concerns remain about freedom of expression and the position of local and foreign journalists and human rights defenders in Papua. In addition, increased migration from other parts of Indonesia is further heightening tensions between newcomers and indigenous Papuans.

In line with his election promises, President Widodo set up an interministerial team to draft a bill for the purpose of addressing historical human rights violations (including those of 1965-1966). Human rights activists objected to the approach chosen, which focuses on reconciliation rather than bringing the perpetrators to justice. The authorities banned most of the activities organised to commemorate and discuss the mass killings of 1965-1966 at the time of their 50th anniversary.

In 2015, Indonesia executed 14 people, including 12 foreigners (one of whom was a Dutch national). In a last-ditch attempt to prevent his execution foreign minister Bert Koenders sent an envoy to Jakarta to inform the Vice President of the Dutch and EU position on the death penalty. In addition to pointing out that the Netherlands and the EU oppose the death penalty on principle, the envoy noted that according to international norms the death penalty may only be imposed for the most serious crimes and that drug offences do not fall into this category. He also drew attention to UNODC studies concluding that the death penalty is not an effective sanction, and invited the Indonesian authorities to view the Dutch approach with their own eyes. The Minister subsequently recalled the ambassador from Jakarta for consultations. In a letter to parliament of 5 February 2015, the government stated that it intended to keep the channels open, continue discussing the death penalty and simultaneously examine options for cooperation in tackling problems in the field of drug legislation.

Criminal law reform is a topic of political debate. One aspect of this debate focuses on further restriction of the death penalty, but there is still no talk of a moratorium or abolition. However, the embassy is providing technical assistance to the Indonesian government and parliament by making available Dutch academics with in-depth knowledge of Dutch and hence Indonesian criminal law (which is based on old Dutch legislation).

In 2015, the embassy organised a series of public debates on human rights in Southeast Asia in cooperation with the ASEAN Intergovernmental Commission on Human Rights (AICHR) and the Indonesian Ministry of Foreign Affairs. The discussions conducted in this framework contributed to the national debate on religion, business and human rights, migrant rights, sexual and gender-based violence and the human rights instruments available to ASEAN. In addition, the embassy supported the Asia Foundation, which launched an initiative encouraging the police to take firmer action against religious intolerance. It also cooperated with the International Centre for Counter-Terrorism and the Alliance for a Peaceful Indonesia to combat radicalisation and promote religious

<sup>51</sup> Source: <http://www.thejakartapost.com/news/2016/02/24/survey-finds-rise-faith-based-intolerance.html> and <http://www.thejakartapost.com/news/2016/01/19/local-administrations-main-violators-religious-freedom.html>.

tolerance by bringing young people face to face with victims of terrorism, and worked to strengthen the organisational capacity of national human rights NGOs in cooperation with the Commission for 'the Disappeared' and Victims of Violence (KontraS). Furthermore, the embassy facilitated an expert mission from Leiden University to Indonesia on criminal law reform and a study visit by the legal department of the Indonesian armed forces to the Netherlands in the field of international humanitarian law, the ICC and human rights.

## Japan

In 2015, Japan executed three prisoners. Public opinion in the country is not overwhelmingly in favour of abolition. 2015 was also the first time an execution was carried out on the basis of a conviction by lay judges, which were reintroduced in 2009. Prisoners are not informed of the date of their execution, and family members are only notified after the execution has taken place. In addition to disseminating EU statements, the Dutch embassy, along with several EU countries, approached Japanese parliamentarians to inform them of the EU's position on the death penalty. The issue attracts little attention among politicians.

The Japanese criminal justice system is known for its high conviction rate. Suspects can be held for a maximum of 23 days before formal charges are filed. Observers see a connection between this rule and the high percentage of confessions. Detention conditions are mentally and physically tough, and medical care is not always adequate.

Japan is making progress in the area of equal rights for LGBT people. In 2015, the Shibuya and Setagaya wards in Tokyo began issuing partnership certificates that enable same-sex couples to be treated like married couples in certain respects. This issue attracted a lot of media attention. In parliament, an LGBT study group is examining new anti-discrimination legislation. Conservative politicians within this group regard homosexuality as a form of mental disorder (the official term is gender identity disorder).

In 2015, the Dutch embassy organised a workshop and dinner with Boris Dittrich of Human Rights Watch as the guest speaker and took steps to strengthen its relationship with Japanese parliamentarians and NGOs. The Netherlands was a visible presence at Tokyo Rainbow Pride and sponsored an LGBT photo exhibition in Shibuya.

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Women's career paths are obstructed by traditional values, organisations' promotion systems, workplace discrimination, inadequate child care and a working culture characterised by long hours. The Japanese government is focused on promoting equal opportunities for women in the labour market, although it recently downgraded its ambitions. In 2015, the embassy organised a HagueTalks event at which students shared their views on gender equality on camera. The Japanese Ministry of Foreign Affairs, Japanese companies and NGOs were involved in and attended the event. The embassy also facilitated a panel discussion with Unilever CEO Paul Polman and Japanese business leaders on the position of women in Japanese society and business. Through these activities, the Netherlands identified itself as a partner in the drive to promote equal rights and opportunities for women.

## Maldives

The human rights situation in the Maldives deteriorated further in 2015. Almost all the country's opposition leaders are in self-imposed exile or in prison, and those who are not are forced by threats to side with the government. At the beginning of the year, Minister of Defence Mohamed Nazim and former President Mohamed Nasheed were arrested on grounds that were heavily criticised at national and international level. Both are facing long prison sentences. UN Secretary-General Ban Ki-moon has advocated clemency for the former president. The island nation is strictly Islamic and adheres to sharia law. In 2015, the Maldivian parliament passed a Terrorism Prevention Act giving the government far-reaching powers to punish terrorist activity. Throughout the year, the police violently suppressed peaceful protests, and the authorities actively hindered the work of civil society organisations.

The Dutch embassy supports the statements of the EU delegation, for example concerning the arrest of former President Nasheed and the death penalty. In April, the ambassador participated in an EU mission to discuss issues including the rule of law, human rights, the fight against radicalisation and terrorism, and economic problems.



## Myanmar

In various respects, 2015 was a positive year for Myanmar. In the field of human rights, for example, it took several steps in the right direction. The elections of November 2015 generally proceeded in a calm, peaceful and orderly manner. By signing the Nationwide Ceasefire Agreement, the government and some of the country's armed ethnic groups took a first step on the path to peace. Freedom of expression and freedom of the press increased, resulting in a more critical media environment and far greater internet freedom. Many former political prisoners stood as candidates for Aung San Suu Kyi's NLD opposition party and were elected to parliament. The elections also led to a substantial improvement in the representation of women. Minority groups, including the LGBT community, are gaining more space to pursue their agendas.

However, significant challenges still remain. The Rohingya – a community of approximately one million stateless Muslims – continue to be marginalised. The conflict is further complicated by rising anti-Muslim sentiment in Myanmar. Freedom of religion and belief is under threat from various quarters, including four Race and Religion Laws imposing various restrictions, for example on changing one's religion. In addition, several ethnic minority groups are still engaged in armed conflict with Myanmar's army, giving rise to civilian casualties and human rights violations, including arbitrary detention and torture. Furthermore, there are still political prisoners in the country, including a number of student protesters fighting for better education in Myanmar. One of them is Human Rights Tulip nominee Phyo Phyo Aung.

The Dutch embassy in Yangon supports projects in various fields, including human rights defenders, gender equality, equal rights for LGBT people, freedom of expression and internet freedom, and access to justice for women from minority groups. The Netherlands also devotes special attention to human rights and business, for example through its contribution to the Myanmar Centre for Responsible Business. The Netherlands is one of the leading countries that formulate the EU's position on country resolutions concerning Burma/Myanmar in the Third Committee of the UN General Assembly and the Human Rights Council. In 2015, the EU focused on the position and rights of the Rohingya and other minorities, the situation of political prisoners and OHCHR access.

## North Korea

In the year following the publication of the report of the UN Commission of Inquiry, the human rights situation in North Korea remained very poor. However, the country does appear to have taken some notice of the international criticism and negative publicity generated by the report. Unconfirmed reports indicate that the central party apparatus has issued new rules aimed at preventing violence. The statistics for 2015 also show a slight decrease in the number of human rights violations involving extreme violence. However, it is still too early to speak of a trend, since the number of violations remains high. Despite slightly better harvests, there was no decline in the number of deaths from starvation. Prison conditions and inequalities in the education system remained unchanged. More than 85% of reported human rights violations concern the right to respect for private life (61.5%), freedom of movement and residence (13%) and the right to life (10.8%).

Following a resolution adopted by the Human Rights Council in March 2014, the OHCHR set up a field office in Seoul to support the activities of the UN Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea.

The Netherlands supported two projects that resulted in dedicated publications. One project produced a fresh overview of political prison camps in North Korea; the other addressed the problem of North Korean workers employed in other countries (a case study of Poland). The embassy also funded the translation of the annual report on freedom of religion in North Korea.

## Pakistan

The past year was overshadowed by the attack on the Army Public School (APS) in Peshawar on 16 December 2014, which caused more than 140 deaths, and the vigorous, predominantly military measures subsequently taken by Pakistan in the framework of its National Action Plan against terrorism. Some of these steps put further pressure on the space for human rights and restricted democratic freedoms. The lifting of the moratorium on the death penalty, the expansion of the mandate of military courts, new legislation concerning cybercrime, registration requirements for

national and international NGOs and impunity for offences against human rights defenders should all be seen in this light.

Despite these worrying developments, 2015 was also the year in which the federal parliament approved a resolution adopting the pronouncements of the founder of Pakistan, Muhammad Ali Jinnah, on the status of minorities as a roadmap for the future. The government appears to be willing – in word and deed – to reverse the persistently difficult situation of religious and ethnic minorities, although reforming the country's strict blasphemy laws still seems a step too far. Other positive developments include renewed attention to tackling hate speech and school curriculums.

In 2015, the Dutch embassy organised and supported projects on women's rights, child marriage, freedom of expression, freedom of religion and belief, and workers' rights in the textile industry. It also participated in meetings on various human rights issues organised by federally funded and local partner organisations. In addition, the embassy maintains an ongoing dialogue with human rights defenders on all fronts, including LGBT activists, journalists and new stakeholders such as the National Commission on Human Rights, which was established in 2015, and the recently appointed Minister of State for Human Rights. Another key instrument is the Generalised System of Preferences+ (GSP+) arrangement, which has clearly had a positive impact on the space for and attention devoted to human rights, especially workers' rights, although its implementation is still running behind schedule.

#### *Human Rights Ambassador*

The Human Rights Ambassador visited Pakistan from 9 to 13 February 2015, holding open discussions with various persons and entities, including government representatives, human rights organisations, journalists and members of the business community. Topics included the current security situation in Pakistan, freedom of religion and blasphemy laws, the death penalty and the position of women. The reforms that are currently being implemented, including the establishment of military courts and the lifting of the moratorium on the death penalty, are a cause of grave concern.

In all these talks, the ambassador also highlighted the importance of implementing the human rights instruments referred to in the framework of the GSP+ arrangement. In addition, he expressed the Netherlands' concerns regarding the implementation and enforcement of legislation at provincial level. In various meetings, the ambassador expressed his surprise at the contrast between the positive attitude and actions of the Pakistani authorities in the field of human rights, for example in respect of violence against women and child marriage, and the country's less constructive behaviour in multilateral forums. He asked whether it might be possible for Pakistan to cooperate more constructively at multilateral level.

The visit was a success and benefited from the active participation of all discussion partners. The media covered the ambassador's meeting with the Ministry of Foreign Affairs and the launch of the Dutch-funded child marriage prevention project *Bachpan Bachao*, where the ambassador was the keynote speaker.

#### **Philippines**

Within the region, the Philippines is known as a country that has left behind the dark days of martial law and transformed into a democratic society where civil liberties are broadly recognised. Nevertheless, human rights violations against internally displaced persons, indigenous peoples and the human rights activists who assist them are rapidly increasing.

In a report from 2015, the Observatory for the Protection of Human Rights Defenders noted that 'human rights defenders in the Philippines, in particular those advocating for land and environmental rights, remain under serious threat. Land rights defenders as well as indigenous rights defenders peacefully campaigning to protect their ancestral lands from the impact of mining, deforestation, and other development projects are the most targeted categories of human rights defenders. They face extra-judicial killings, enforced disappearances, intimidation, torture, fabricated criminal charges and threats.' Furthermore, following his visit to the country in August 2015, the UN Special Rapporteur on the human rights of internally displaced persons observed that armed conflicts and disruptive development projects lead not only to the displacement of indigenous peoples and the loss of their homes and means of subsistence but also potentially to

their disappearance as a people. In the final months of 2015, human rights activists who raised this issue were increasingly subjected to intimidation and even murder.

Although the number of extrajudicial killings and forced disappearances has declined compared to the situation under the previous government, a culture of impunity persists. In spite of this, civil society in the Philippines remains extremely active. The country remains at the forefront of efforts to combat human trafficking in the region. It is to be hoped that the next government, which will take office following elections in May, will show the same commitment to this issue as its predecessor.

The Dutch embassy plays a leading role in the fight against human trafficking in the Philippines, in particular by fostering in-depth cooperation between several interested parties. The embassy and the Human Rights Ambassador, during his visit, held productive meetings with government agencies, NGOs and human rights activists on the aforementioned topics, as well as on such issues as extrajudicial executions, online freedom of expression and non-discrimination. In addition, the embassy will have an impact on the human rights situation in conflict areas through its involvement in the peace process, specifically its support for the adoption of the Bangsamoro Basic Law.

#### *Human Rights Ambassador*

The Human Rights Ambassador's visit to the Philippines on 24-27 March focused on two issues: internet freedom and human trafficking. The main incentive for the ambassador's visit was the RightsCon 2015 conference in Manila. The ambassador visited the Ministry of Justice and also spoke to representatives of the ministry as part of the Manila Dialogue on Human Trafficking. During RightsCon, the ambassador met with many international and regional NGOs. He also met the Philippines' Minister of Justice and the UN Special Rapporteur on freedom of expression. Various topics were discussed during these meetings, including impunity, human rights and business, women's rights, freedom of the press and torture. Furthermore, the ambassador invited the Philippines to join the Freedom Online Coalition.

In the same week, the Dutch embassy organised the Manila Dialogue on Human Trafficking, which brought together various entities from the Netherlands and the Philippines – the Public Prosecution Service, the justice authorities, the police, the Ministry of Foreign Affairs and the Anti-Money Laundering Council – and embassies to share knowledge and experiences in the field of human trafficking. Moreover, following the Human Rights Ambassador's visit to Kuwait and Qatar and in response to complaints from the relevant authorities about dubious recruitment practices in countries that export migrant workers, the aim is to include their embassies in the dialogue.

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#### **South Korea**

Freedom of assembly, association and expression cannot be taken for granted under the government of President Park Geun-hye. The police take extremely harsh action against anti-government demonstrations, while the government threatens to punish the organisers and seize the funds of the organisations involved. Special investigation teams allegedly monitor online statements that could be construed as defamation, which encourages citizens to practise self-censorship. Those who express favourable views regarding North Korea similarly risk prosecution. Although the death penalty was again imposed on a number of occasions in 2015, a moratorium on its enforcement has been in place since 1997. At present, the country numbers 61 people who have been sentenced to death. Over 600 men are currently serving an 18-month sentence for conscientious objection to compulsory military service.

South Korea is a valued partner in international forums. In the Human Rights Council, it generally follows the Dutch/EU line.

The Dutch embassy closely monitors developments in South Korea and participates – usually with its EU partners and at the initiative of the EU delegation – in various events, for example in support of equal rights for women and LGBTI people. It is also in contact with an interest group for conscientious objectors.

## Sri Lanka

The human rights situation in Sri Lanka has improved by leaps and bounds since President Maithripala Sirisena took office in January 2015. A national unity government has been in place since the parliamentary elections in August. In contrast to the situation under his predecessor, Mahinda Rajapaksa, human rights, post-conflict accountability and reconciliation, and the fight against corruption are now a much higher priority. Commissions have been set up to regulate elections, the police, the judiciary and government agencies. In 2015, the government promised to start drafting a new constitution and work began in 2016. The OHCHR's report on human rights violations during and after the country's long-running civil war was postponed from March to December as a gesture of goodwill towards the new government. Sri Lanka co-sponsored the resolution that was ultimately adopted. However, little progress has so far been made in terms of prosecuting those responsible for human rights violations. The country's desire to regain access to the GSP+ arrangement resulted in a renewal of the human rights dialogue between the EU and Sri Lanka.

The Dutch embassy supported various human rights-related projects in 2015. Examples include an IDAHOT conference organised in cooperation with various European and non-European ambassadors and NGOs, which drew attention to the rights of LGBT people. The embassy also funded a touring Anne Frank exhibition, which has so far been displayed in three locations in Sri Lanka and will visit many more in 2016. In response to the story of Anne Frank, schoolchildren, in particular, in Colombo and the northern city of Jaffna were encouraged to talk about human rights. The wounds from the civil war, which ended six years ago, are still fresh, and for many visitors the exhibition is a deeply emotional experience. On International Human Rights Day, the embassy organised a film screening as a basis for a discussion with human rights defenders. In addition, it offered to help the government by sharing its expertise on witness protection and transitional justice. The embassy contributed to and participated in the statements and demarches produced by the EU delegation in Sri Lanka. It was also part of an EU monitoring group during the elections in August.

## Thailand

In 2015 Thailand remained under the rule of a military regime that continued to suppress human rights, especially freedom of expression and freedom of assembly. The media were intimidated, restricted and urged to practise self-censorship. Martial law was replaced by article 44 of the interim constitution, which gives the military regime carte blanche to make decisions, take action and restrict freedoms without accountability, independent scrutiny, judicial review or compensation. Groups of students protesting against the coup and other critics of the regime were arrested. Upon release, many of them were compelled to sign a declaration stating that they would refrain from any action contrary to the regime's regulations. People who publicly criticise the regime are sent to re-education facilities, where they are detained incommunicado for days and sometimes weeks.

In 2015, hundreds of people were picked up by the authorities for questioning or re-education, 37 people were accused of *lèse majesté* (under a very broad definition of the crime) and 28 people were accused of sedition (i.e. inciting the commission of criminal offences or acts of violence against public authority). Citizens are systematically tried by military courts on the basis of security-related charges. In one of the *lèse majesté* cases, a military court imposed a 60-year prison sentence for six minor offences. Two people accused of *lèse majesté* died under mysterious circumstances while in military detention.

In 2015, Thailand was rocked by a major people smuggling case in which Rohingya refugees from Myanmar and Bangladesh were transported to Malaysia via Thailand under terrible conditions, with the cooperation of criminal gangs, local authorities and local communities. Thailand, which has not ratified the 1951 Refugee Convention or its 1967 Protocol, launched an investigation after coming under heavy international pressure and tried to put an end to this practice. The regime was very reluctant to provide assistance to the boatloads of refugees stranded at sea. The Thai authorities also sent 109 ethnic Uyghurs back to China in violation of the principle of non-refoulement.

In close consultation with the Netherlands' EU partners, the Dutch embassy is conducting bilateral talks with the Thai authorities, delivering demarches and public statements on the human rights situation and supporting Thai human rights defenders, media organisations and NGOs. It has also attended the trials of individual human rights defenders. In addition, together with various

international partners, the embassy has organised several meetings on freedom of expression, human rights defenders, the rights of LGBTI people and the Universal Periodic Review.

## **Vietnam**

Although Vietnam has made progress in the field of economic integration – concluding a free trade agreement with the EU in December 2015 and joining the ASEAN Economic Community and the Trans-Pacific Partnership (TPP) at the beginning of 2016 – it is still lagging behind in terms of the observance of human rights. Important legislation was adopted at the end of 2015, including new criminal and civil codes. Although not ground-breaking, they represent progress in certain areas, for example in the form of a reduction in the number of death penalty offences and the recognition of transgender people following sex reassignment surgery. However, the ambiguity of certain provisions, leading to their arbitrary implementation in practice, remains a source of concern. Peaceful activists campaigning for greater political rights or taking action on sensitive issues (e.g. policy on China or corruption) regularly end up behind bars. Human rights lawyers are placed under a lot of pressure and face a risk of questioning, house arrest, intimidation and even detention. Well-known blogger Anh Ba Sam has been in prison awaiting trial for a year and a half. Vietnam recently sent a positive signal by ratifying the UN Convention against Torture, but cases of torture are still regularly reported at local level. Human rights defender Le Quoc Quan, an active campaigner for freedom of religion and other rights whose case was raised by the Human Rights Ambassador during a visit at the end of 2014, was released from prison in June 2015.

The Netherlands is offering Vietnamese law enforcement officers a training programme on the implementation of the Torture Convention. In 2015, the Dutch embassy organised several public diplomacy activities relating to LGBT issues and International Human Rights Day. It also organised workshops to promote the discussion of harassment and violence against girls and women and, more generally, SRHR and gender equality. The workshops were held in cooperation with various entities, including NGOs, a soccer team and universities.

At international level, Vietnam continues to present itself as a concerned country that takes respect for human rights seriously. However, there is a growing discrepancy between the positive image that Vietnam presents to the world and the harsh policies it continues to pursue within its borders. A recent example of this is the country's open stance during the EU-Vietnam Human Rights Dialogue and its arrest of a well-known activist on the same day. The EU delegation and EU High Representative Mogherini spoke out publicly on this matter.

## 3.4 Western Hemisphere

### 3.4.1 Regional overview

The generally positive developments that have taken place in the field of human rights in recent years appear to be levelling off. Central America, in particular, has seen an alarming increase in drug-related and other crime, while efforts to consolidate the rule of law have been undermined by the infiltration of local and national government by organised crime and renewed authoritarian tendencies. At the same time, however, positive developments are visible in countries such as Chile and Cuba, and cooperation is in place with Argentina and Uruguay on various issues, including the protection of LGBT people.

#### **Bolivia, Ecuador and Peru**

No systemic, large-scale violations of human rights take place in Bolivia, Ecuador or Peru, but the police and the justice system in all three countries are facing various problems (e.g. corruption and delays in the judicial process). There have been cases of excessive violence against human rights defenders and journalists, some of which resulted in fatalities. In Bolivia and Ecuador, freedom of the press and freedom of expression are clearly under pressure, as evidenced by the shutting down of newspapers and the reduction of the space for NGOs. The rights of indigenous peoples, especially those relating to land and water, are being harmed by the expansion of the mining industry. Finally, sexual and reproductive health and rights are not fully protected in this part of Latin America. The Dutch embassy in Lima represents the Netherlands' interests in these three countries. In the field of human rights, it participates – where possible – in activities and missions organised by the EU delegation.

#### **Brazil**

The human rights situation in Brazil did not improve in 2015. The same problems – human rights violations in prisons, corruption, police violence in urban slums, trafficking in women and children, forced labour and exploitation through poor working conditions – continue to exist and are probably increasing as a result of the economic and political crisis. In addition, Afro-Brazilian and indigenous population groups encounter racism. On paper, Brazil has put its affairs in order by passing legislation and signing international treaties, but in terms of policy implementation it is sorely lacking. On a positive note, the judiciary has for some time been making progress in the fight against Brazil's endemic corruption, including the use of tough measures against previously 'untouchable' businesspeople and politicians.

In 2015, the Dutch embassy funded various projects, including some promoting corporate social responsibility in state-owned enterprises and in the run-up to the Olympic Games. For example, it supported an NGO that is active in the recycling industry and reminds companies of their responsibility to protect vulnerable children and reduce/eradicate child labour. It also supported another NGO that is developing guidelines to protect the rights of vulnerable groups such as LGBT people in the workplace. The final guidelines are expected in mid-2016.

#### **Canada**

Canada is committed to protecting human rights around the world and is a key partner of the Netherlands in this regard. However, the situation of minority groups in Canada, in particular the indigenous population, remains a source of concern. In the summer of 2015, in response to Canada's periodic report, the UN Human Rights Committee criticised the government's failure to implement the Committee's earlier recommendations. Among other issues, the Committee criticised the situation of the Aboriginal population, violence against women, the lack of an appeal mechanism in asylum and migration cases and the lack of legal safeguards in the Anti-terrorism Act. The new Liberal government is expected to openly and actively promote the protection of human rights both nationally and in its foreign policy. The government has already launched a national investigation into missing and murdered Aboriginal women and has adopted the 94 recommendations of the Truth and Reconciliation Commission of Canada to improve the position of the Aboriginal population.

In 2015 the Dutch embassy and consulates in Canada organised a few small-scale activities, for example concerning women's rights and the rights of LGBTI people.

## Chile

The human rights situation in Chile provides grounds for optimism. In recent years, the Chilean government has taken steps towards further improvement in this area. On 22 October 2015, for example, registered partnerships for same-sex couples were introduced, President Michelle Bachelet announced plans to decriminalise abortion in certain circumstances and the government submitted a bill to parliament tightening up the amnesty laws adopted towards the end of the dictatorship. There are also challenges. The implementation of legislation, such as the statutory ban on discrimination, does not always run smoothly. In addition, the marginalisation of indigenous peoples, such as the Mapuche, remains an intractable problem.

In 2015, the Dutch embassy supported a national campaign focusing on the rights of LGBTI people and contributed to a project promoting women's political participation in Chile.

## Colombia

Although the Colombian government pursues a progressive human rights policy and shares the Netherlands' position on various issues (e.g. equal rights for LGBT people), human rights continue to be violated on a large scale, notably by parties involved in the country's armed conflict, including the Revolutionary Armed Forces of Colombia (FARC), the National Liberation Army (ELN), remnants of paramilitary groups and criminal gangs, and sometimes even the military and the police. The Colombian government cannot exercise its monopoly on violence in all parts of the country. It has established an extensive protection programme for people threatened by the conflict, but this programme is not adequate in all cases. The government is therefore not always able to protect its citizens against human rights violations.

The government's negotiations with the FARC – and shortly with the ELN – offer the prospect of a peace agreement, which may have a positive impact on the human rights situation. If a definitive peace agreement is concluded, it will contain transitional justice provisions, on the basis of which the FARC, the Colombian military and the police will all have to render account for the human rights violations they committed in recent decades.

Since 2014 the Dutch embassy in Bogotá has supported a project of the Comisión Colombiana de Juristas that monitors and seeks to influence legislation adopted in the framework of the current peace process with the FARC. In addition, at the request of the Office of the UN High Commissioner for Human Rights in Colombia, it has contributed to the creation of a National Action Plan on Business and Human Rights. The embassy also supported the Institute for Human Rights and Business in carrying out a sector-wide assessment of the impact of the mining sector on human rights.

## Costa Rica

During the past year, human rights were under pressure in Central America. The security situation in Costa Rica continued to deteriorate in 2015, with an increase in the number of murders and crimes of violence, mostly related to drugs and organised crime. Despite a judgment of the Inter-American Court of Human Rights obliging Costa Rica to make IVF available, the country's parliament has yet to reach agreement on this issue. As a result, IVF officially remains illegal in Costa Rica. In 2015, a court held that long-term relationships between same-sex couples were equivalent to civil marriage. However, LGBT organisations remain cautious, since the decision, though undoubtedly positive, only applied to a limited number of same-sex couples. In 2015, due to a clerical error, the first marriage between two women was registered in Costa Rica. A court annulled the marriage shortly thereafter, and a possible criminal charge is in store for the couple on the grounds of marriage by deception. Both cases, as well as a presidential bill legalising gay marriage, have led to heated debate in Costa Rica.

### *Human Rights Ambassador*

During his visit to Costa Rica on 7 April 2015, the Human Rights Ambassador met government officials to discuss the country's position on several issues, including women's rights and IVF, equal rights for LGBTI people and the rights of the indigenous population. The recurring topic of

human rights and business received priority during the ambassador's visit, not least in the light of the roadmap for Costa Rica's accession to the OECD. The ambassador held detailed talks with the country's ombudsman on the subject of gay marriage and equal rights for LGBTI people. Finally, he participated in a field visit to the BA1 project on preventing violence against women, which is financed by the regional human rights fund of the Netherlands' Central America programme.

## **Cuba**

Following its diplomatic rapprochement with the United States, Cuba is taking several cautious steps on the path towards economic and – to a lesser extent – political reform. It is important not to lose sight of human rights during this transition phase. Although Cuba has a relatively good record on economic, social and cultural rights, its performance in the field of civil and political rights continues to give cause for concern, especially with regard to freedom of expression, assembly and organisation and free access to media and the internet. In addition, its judicial system is not independent. The authorities continue to fight public opposition to the party and the government (dissidence), especially by means of short periods of arbitrary detention. Nevertheless, there have been some cautiously positive developments, including the release of dozens of political prisoners (some 30-40 are still behind bars), the authorisation of prison visits by the International Committee of the Red Cross and a slowly emerging tolerance of freedom of expression, especially in the religious sphere, academic circles and the creative sector. Cuba is also making serious efforts to expand internet access by opening WiFi hotspots and is an advocate of equal rights for LGBTI people in the region.

The Dutch embassy in Havana is actively involved in promoting equal rights for LGBTI people in the framework of the trilateral cooperation between Cuba, Brazil and the Netherlands. During his visit to Cuba in May 2015 the Minister of Foreign Affairs told his opposite number that Cuba's human rights situation must improve and that it is essential to enter into dialogue with civil society in this regard. The ministers also agreed to consult with each other in the run-up to Human Rights Council sessions.

Negotiations on a new bilateral agreement between Cuba and the EU took place during 2015 and were concluded in March 2016. The agreement devotes ample attention to human rights. Cuba and the EU also launched a human rights dialogue in parallel to the negotiations. The first round of this dialogue, which was held in June 2015, took place in an open and constructive atmosphere.

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## **El Salvador**

El Salvador has a murder rate that is higher than that of certain war zones. In 2015, the collapse of a truce between two violent rival youth gangs (*maras*), which had been brokered with the help of the previous government, led to an exponential rise in the number of violent deaths.

Through its embassy in Costa Rica, the Netherlands continues to draw attention to the prosecution of women for alleged abortion in El Salvador. The situation in the country is characterised by femicide and extreme violence against women, human rights defenders and LGBTI people. The flight from domestic and gang-related violence has resulted in a new wave of unaccompanied child migrants arriving in the United States. This group is vulnerable to human trafficking.

## **Guatemala**

In 2015, Guatemala experienced unprecedented political upheaval. In response to a major corruption scandal, and following months of protests, the president, the vice president and a large number of prominent businesspeople were arrested and almost all government ministers were suspended. Due to violence resulting from gang-related activity and organised crime, as well as femicide and domestic violence, Guatemala was once again ranked as one of the world's five most violent countries in 2015. President Jimmy Morales, who was elected in October 2015, has made the fight against corruption his main priority. It remains to be seen whether he will devote just as much effort to combating impunity, preventing violence against human rights defenders and protecting indigenous land rights.

### *Human Rights Ambassador*

During his visit to Guatemala on 8-14 April 2015, the Human Rights Ambassador met with representatives of the government, the public prosecution service, the supreme court, the criminal



justice authorities and civil society. Topics discussed included the position of judges, journalists, women's rights, human rights defenders, equal rights for LGBT people and the rights of the indigenous population. A recurring theme during all these meetings was the issue of impunity and the decision whether or not to extend the mandate of the UN-backed International Commission against Impunity in Guatemala (CICIG). The mandate has since been extended. In many of these meetings, moreover, the ambassador expressed his concern about public protests in response to large projects in areas occupied by the indigenous population, the criminalisation of the activities of human rights defenders and insecurity and violence. Special attention was devoted to human rights violations involving women, including violence against women and female human rights defenders.

The ambassador received a warm welcome, and his visit was conducted in an open atmosphere. The Guatemalan government did not hesitate to raise sensitive issues, such as the Guatemalan genocide case, impunity, social unrest and licences for large energy projects. All discussion partners expressed appreciation for the Netherlands' involvement and looked forward to its continuation in the fields of human rights, security and the rule of law. In many cases, dialogue between representatives of the government, the private sector and civil society is not proceeding smoothly. However, the government and the private sector are willing to discuss human rights and business and to cooperate with the Netherlands on this issue.

The ambassador visited a number of field projects, including a cemetery and a laboratory run by a foundation specialising in forensic anthropology, which plays a key role in the field of transitional justice. He also visited a primary school in the context of preventing violence among young people. He subsequently met with the mayor, the local public prosecutor, the police and two representatives of the Presidential Human Rights Commission. During an event attended by representatives of the private sector, the ambassador called on the Guatemalan government and the business community to develop policies aimed at preventing human rights violations by companies.

## **Guyana**

The main sources of concern as regards the human rights situation in Guyana are the death penalty, sexual orientation, corporal punishment (especially of children), indigenous rights (especially in connection with gold mining) and prison conditions. As yet, the coalition government that took office in May 2015 has not managed to improve the human rights situation. During Guyana's UPR in 2015, the Netherlands recommended banning the corporal punishment of children in the public and private spheres and decriminalising consensual sexual relations between people of the same sex. The LGBT conference mentioned in the section on Suriname endorsed these recommendations.

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## **Honduras**

Like El Salvador, Honduras has a murder rate that is higher than that of certain war zones. Human rights violations take place in an atmosphere of near-total impunity. The government's harsh response to this violence has led to the militarisation of public security, resulting in frequent human rights violations. In May 2015, the Human Rights Council approved the country's UPR report, which incorporated the Netherlands' recommendations concerning the protection of human rights defenders and journalists and measures in the field of human rights and business.

## **Mexico**

The current Mexican federal government has developed various initiatives to tackle impunity. However, there are still serious shortcomings in the rule of law, allowing organised crime to escape punishment for serious offences on a regular basis. A UN report published at the beginning of 2015 described torture in Mexico as 'endemic'. Most human rights violations take place in the context of violent conflicts between drug cartels and between local and federal authorities on the one hand and organised crime on the other. In the UN's human rights forums, however Mexico is a key partner of the EU in the fight to prevent further erosion of the international human rights acquis. The EU and Mexico are involved in a high-level human rights dialogue that actively engages with civil society organisations.

Through the Human Rights Fund, the Dutch embassy has supported activities in various areas, including the fight against femicide, disappearances, the campaign for equal rights for LGBT people

and sexual and reproductive rights. In addition, together with other EU member states, the embassy has raised the profile of Mexican NGOs simply by contacts with them.

## Nicaragua

The pressure on civil society organisations in Nicaragua increased sharply in 2015. In the run-up to the 2016 elections, the government is extending its powers, the impartiality of the police and the army is no longer guaranteed and threats against NGOs are on the rise. Freedom of expression and freedom of the press are also under pressure. Preparations for the construction of an interoceanic canal are causing additional tension in the form of forced land expropriations and environmental damage.

## Panama

Panama has a relatively good human rights record, as confirmed in its UPR report of April 2015. It was also elected to serve on the Human Rights Council from January 2016. The main concerns are the need to better protect the indigenous population, discrimination and violence against people of African descent and the perilous state of the detention system.

The Dutch embassy focuses on economic diplomacy and on linking economic policy to human rights policy by promoting corporate social responsibility (CSR). Together with the Panamanian Ministry of Trade and Industry, it established a CSR programme that will be implemented by the Dutch Ministry of Foreign Affairs' Centre for the Promotion of Imports (CBI).

Over the past three years, the Netherlands has sought to promote security, access to justice and the protection of human rights in Central America through a dedicated regional development programme, the Central America programme (MAP), which covers El Salvador, Guatemala, Honduras and Nicaragua, as well as Costa Rica, Panama and Belize. The final projects will be completed in 2016. An exit strategy from the MAP has been agreed, and the Dutch embassy in San José is actively helping partner countries in the search for new donors and funding. The MAP had a budget of EUR 44 million. In 2015, the regional human rights fund – operated by the Inter-Church Organisation for Development Cooperation (ICCO) in Managua – used these funds to finance 24 human rights organisations that supported human rights defenders, journalists, vulnerable groups (women, young people, LGBTI people and indigenous populations) and CSR (human rights and business).

Information and awareness campaigns, research, capacity building and technical assistance strengthened national and regional protection mechanisms for human rights defenders and journalists, established a regional network of indigenous community radio stations, increased the digital security of human rights organisations, exposed human rights violations, enhanced the political participation of indigenous women, encouraged the World Bank to launch an investigation into free prior and informed consent (FPIC) with regard to the Santa Rita hydropower project and formulated a protocol on the effective implementation of FPIC in Nicaragua.

Actions taken in support of LGBTI people include the training of police officers, the proposal (Honduras) or amendment (El Salvador) of statutes defining 'hate' as an aggravating factor in criminal law and the adaptation of the information system of the Guatemalan public prosecution service to provide better statistics on discrimination and hate crimes based on sexual orientation. Efforts were also made to teach 385 companies more about human rights and business. Lessons from the Human Rights Fund have been included in the design of the new human rights programme for 2016-2018, in which promoting and protecting human rights will focus on vulnerable groups and human rights in the context of CSR.

The regional programme for the prevention of violence against women and female trafficking run by the Central American Integration System has so far produced various results, including national plans for the prevention of violence and human trafficking, which focus on the reintegration of victims of domestic violence and human trafficking into society, and an increase in the number of *Ciudades Mujer* (centres providing integrated support to victims of violence and abuse).

In 2015, the results of the project-based approach of the Centre for the Prevention of Violence, aimed at preventing violence among young people and combating the use of small arms and light weapons, included a drop in crime of more than 50% in a majority of the project neighbourhoods in Managua and a reduction in tension and violence in the frequently overcrowded prisons of the

Northern Triangle and Nicaragua (less violent behaviour, less drug use and in some cases even people leaving youth gangs). In El Salvador, the project contributed to the effective implementation of the national strategy for the prevention of violence in the most violent towns. It also organised a successful publicity campaign in Nicaragua, 'Soy hombre y no quiero armas' (I'm a man and I don't want weapons), which reached a much larger audience than initially expected.

## Suriname

In March 2015, Suriname took an important step forward in the protection of human rights by abolishing the death penalty (via an amendment to the criminal code). Dutch human rights policy in respect of Suriname focuses on domestic violence against women and children, human trafficking, corruption, equal rights for LGBT people, the exclusion of minorities, and prison conditions. The Netherlands and the EU both regularly – for example during Suriname's political dialogue with the EU in March 2015 – draw attention to the need to amend the 2012 Amnesty Act and to the suspension of the legal proceedings in the December murders case. At this time, the country was asked to comply with the UPR recommendation to expedite the prosecution and sentencing of the perpetrators of the extrajudicial executions of December 1982 and the Moiwana massacre in 1986. These issues will also be raised in connection with Suriname's UPR in 2016.

With the support of the Dutch embassy, a regional LGBT conference was held in Paramaribo on 19-21 June 2015, attended by LGBT organisations from Suriname, French Guiana and Guyana, the Caribbean Forum for Liberation and Acceptance of Genders and Sexualities (CARIFLAGS) and COC Netherlands. The conference resulted in agreements with the police on the treatment of transgender people in prison and a regional action plan. The *Ook Zij* (She Too) campaign to promote women's political participation and leadership was wound up with Dutch financial assistance following the elections of 25 May 2015, which resulted in the election of 14 women to the 51-member National Assembly – an increase of more than 100%.

## Trinidad and Tobago

The most important human rights issues in Trinidad and Tobago and the Eastern Caribbean region are the death penalty and equal rights for LGBT people. Another is the poor treatment of suspects and detainees by the police. There were no major developments in these areas during the past year.

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## United States

In 2015, as in previous years, the Netherlands cooperated closely with the United States to promote and protect human rights around the world. Multi-year partnerships for the protection of human rights defenders (Lifeline) and the promotion of equal rights for LGBT people (Global Equality Fund) and women and girls (Equal Futures Partnership) continued in 2015. In a significant step forward, the US Supreme Court ruled in June 2015 that persons of the same sex could marry in all 50 states (in 2008 only two states allowed same-sex marriage). The criminal justice system continues to be a major issue for the US authorities (police conduct, prosecutions, sentencing, prison conditions and so forth). The Netherlands continues to speak out against the imposition and enforcement of the death penalty. In 2015, six US states carried out 28 executions – seven fewer than in 2014. Most of these executions (86%) were carried out in just three states. The number of death sentences handed down decreased by over 30%. In 2015, six people who had been sentenced to death were acquitted after spending respectively 30, 28, 25, 19, 10 and two years in prison. In a dissenting opinion, two Supreme Court judges raised the fundamental question of whether the death penalty is still constitutional.

Since 1972, the Netherlands has had permanent observer status at the Organization of American States (OAS), to which all countries in the Western Hemisphere belong. In addition to being a political partner, it is also a major donor, for example to the Inter-American Commission on Human Rights. The Netherlands attaches particular importance to this body, which helps promote human rights throughout the OAS region through various channels, including the Inter-American Court of Human Rights and thematic rapporteurs. The emphasis lies on equal rights for LGBTI people and women and the protection of human rights defenders. The Netherlands also supports the OAS Program of Judicial Facilitators, which provides volunteers in Central America who mediate in conflicts, provide public information and support judges. Finally, the Netherlands contributes to the OAS Mission to Support the Peace Process in Colombia (MAPP).

## Venezuela

The human rights situation in Venezuela continued to deteriorate in 2015, due in part to the government's co-optation of constitutionally independent institutions. During the past year, there was an increase in the intimidation of human rights defenders, the erosion of freedom of the press and the persecution of political opponents. Members of the Venezuelan opposition and media, students and human rights activists continued to openly criticise the government, but their actions increasingly triggered reprisals by state authorities. Venezuela's growing prison population is increasingly out of step with the actual capacity of the prison system (which it exceeds by a factor of 2.5 to 3). As a result of this overcrowding, as well as the economic crisis, conditions in prisons, especially nutrition, continued to deteriorate. At the same time, impunity has reached unprecedented levels (only 1-2% of serious crimes are solved).

In 2015, Dutch efforts to promote human rights in Venezuela took place mainly at EU level, since EU action appears to carry more weight. For example, the Netherlands is participating in an EU-coordinated programme to monitor legal proceedings against members of the opposition. The Dutch embassy maintains close contacts with human rights organisations in Venezuela and actively participates in conferences and thematic meetings, in the interests for example of supporting and protecting NGOs and human rights defenders.

## 3.5 Europe and Central Asia

### 3.5.1 Regional overview

In 2015, the huge influx of refugees raised concerns about the rights of migrants and asylum seekers in EU countries and beyond. In addition, civil society came under further pressure in several European and Central Asian countries. The implementation of foreign agent legislation makes it very difficult to support NGOs in certain countries. Combating discrimination on such grounds as sex, race, sexual orientation and gender identity remains essential. In this region, the Netherlands draws attention to human rights violations at bilateral level as well as via the Council of Europe, the EU and the OSCE. It also makes use of UN forums to speak out against human rights violations in countries that are party to UN human rights instruments.

#### **EU candidate and potential candidate countries**

##### **Albania**

The Albanian government is aware of the need to protect human rights with a view to joining the EU – a condition highlighted by the Dutch embassy. It is taking steps on children's rights, equal rights for LGBT people and tackling discrimination against women. The authorities have made efforts to address domestic violence by affording victims better protection and prosecuting perpetrators more frequently. The government has also shown some willingness in the area of equal rights for LGBT people, for example by sending senior officials to attend the opening of a USAID-funded reception centre. Despite these positive developments, many deep-seated problems of discrimination remain. The government is also falling short in preventing torture and ill-treatment and promoting freedom of expression. In addition, there is still a lot of discrimination against the Roma and Egyptian minorities in Albania, who are disadvantaged, for example, when looking for employment or a home.

In 2015, the Dutch embassy supported an anti-hate crime initiative of the Albanian Rehabilitation Centre for Trauma and Torture. It also funds a human rights training programme for police officers, where they learn to deal with hate crimes, diversity/LGBT issues, domestic violence and human trafficking.

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##### **Bosnia and Herzegovina**

The main human rights challenges in Bosnia and Herzegovina relate to freedom of the press, discrimination and the functioning of the rule of law. Journalists face intimidation and threats, and the media landscape is polarised and divided along political and ethnic lines. In 2015, moreover, the Bosnian Serb Republic, or Republika Srpska, adopted a law potentially restricting freedom of expression on online platforms as well as freedom of assembly and association. Together with like-minded countries and international organisations, the Dutch embassy therefore promotes initiatives aimed at improving the media landscape. As a potential EU candidate country, Bosnia and Herzegovina should be working to bring its anti-discrimination laws into line with fundamental EU norms. It has not yet done so. The judgments of the European Court of Human Rights in the *Sejdic-Finci* and *Zvornik* cases have not yet been executed, although compliance with these judgments is a prerequisite for EU accession.

Through the EU, the Netherlands advocates strict compliance with the accession criteria concerning fundamental rights. Although the rule of law is weak in Bosnia and Herzegovina, the country is well aware of the need for reform, to improve its investment climate. Responding to this awareness, the embassy provided technical assistance to facilitate the negotiation of new labour laws.

##### **Kosovo**

In 2015, the parliament of Kosovo passed various bills that will have a direct impact on the improvement of the human rights situation, in line with the recommendations of the Council of Europe's Venice Commission and EU guidelines. The most important were a bill amending the anti-discrimination act, an act on gender equality, freedom of religion and the protection and promotion of the rights of minority communities, and the ombudsman act. Although acceptance of LGBT

people is still a source of concern, the LGBT community was able to speak out publicly more often and more forcefully during the past year, with the support of the government and the international community. General access to justice improved in 2015 and the backlog of legal cases was finally reduced. Much remains to be done in the areas of freedom of the media and freedom of expression. Journalists are still threatened when they report on sensitive issues that might harm the public interest. Online hate speech remains a concern, especially for the LGBT community.

A project on equal justice for all, with funding from the Dutch embassy, contributed significantly to improving access to justice for the inhabitants of communities that do not have access to the regular judicial system. The embassy also actively promotes equal rights for LGBT people, for example as member of the national advisory group on LGBT acceptance.

During a visit to Kosovo in 2015 in the framework of the Dutch EU presidency, the Secretary-General of the Dutch Ministry of Foreign Affairs, Renée Jones-Bos, raised the issue of human rights. The establishment in The Hague of a Kosovo court for crimes committed during and in the immediate aftermath of the Kosovo war was discussed in general terms. The Secretary-General stated publicly that Kosovo should continue to focus on developing the rule of law.

### **Macedonia**

According to the European Commission's progress report, the main human rights issue in Macedonia is freedom of expression. During a visit to the country in October 2015, the Secretary-General of the Dutch Ministry of Foreign Affairs, Renée Jones-Bos, identified freedom of the press as another key concern. There were no attacks on LGBT people in 2015. In spite of this, perpetrators of attacks on the LGBT community in 2014 have still not been prosecuted. Furthermore cases of discrimination and incitement to hatred are not systematically investigated and prosecuted. Like other European countries, Macedonia was faced with problems relating to migration in 2015.

The Dutch embassy in Skopje supported several projects aimed at improving the human rights situation in Macedonia. In the field of freedom of expression and freedom of the press, it funded a multi-ethnic regional media platform, a media council and a news organisation. Among various other initiatives, the Netherlands supports a large multi-year project aimed at protecting whistle-blowers.

### **Montenegro**

Montenegro made progress in the accession process in 2015, but the pace of its reforms, for example in the areas covered by chapters 23 and 24,<sup>52</sup> has been criticised. Progress is measured not only in the form of laws and policy frameworks but also – and chiefly – on the basis of tangible results and track records. The state of the media needs to be addressed as a matter of priority in the negotiations on chapter 23. In its latest progress report, the Commission urges Montenegro to accelerate the investigation into cases of violence against journalists. Positive developments include the government's active examination of the scope for registered partnerships for same-sex couples, the country's successful hosting of the IDAHOT Forum and the successful Pride Parade in Podgorica in December 2015. In contrast, violence against LGBT people remains a relatively frequent occurrence that does not always meet with an appropriate response from the police.

By supporting a series of projects during the past few years, the Dutch embassy in Belgrade, which is also accredited in Montenegro, has contributed to the organisation of several successful Pride Parades in Montenegro. It is also involved in initiatives relating to freedom of the media and supports NGOs that are active in this area.

### **Serbia**

Serbia made some more tentative advances in the area of human rights in the past year. As in 2014, the Pride Parade in Belgrade took place without incident. The professional approach of the police and other authorities demonstrate that Serbia is increasingly taking the rights of the LGBT community seriously. Strengthening the rule of law, combating corruption and promoting human

<sup>52</sup> Chapter 23 covers the judiciary and fundamental rights, while chapter 24 concerns justice, freedom and security.

rights remain central to Serbia's candidacy for EU membership. Despite some successes, much remains to be done in the area of equal rights for LGBT people. The same applies to freedom of the media. In its progress report, the Commission expressed concern about a deterioration in the exercise of freedom of expression. The embassy is monitoring this situation, as well as the implementation of the new media laws, and will continue to report on these issues in 2016.

As in Montenegro, the Dutch embassy assisted with the organisation of Pride Parades in Serbia. It supports NGOs and keeps in touch with stakeholders that are active in the area of freedom of the media. It also pushes for the proper implementation of existing media legislation.

## **Turkey**

The human rights situation in Turkey deteriorated in 2015, with a decline in the independence of the judiciary. The system of checks and balances, which was established with difficulty (and EU support), is under pressure. Government pressure resulted in the removal of alleged supporters of Fethullah Gülen from the board of the High Council of Judges and Prosecutors and their replacement with pro-government members. Freedom of expression was also curtailed. Legitimate criticism of the government is being stifled by means of legislation that criminalises insulting the president and organising activities undermining the state. Freedom of the media – both traditional and social – is increasingly restricted. Violence against women is still a common occurrence. Minorities (Jews, Armenians, Alevi, Greeks, Kurds and Roma) face discrimination. Many people are suffering from the ongoing violence that flared up between the PKK and the government in June 2015. Reports from sources including the State Department, Amnesty International, Freedom House and Human Rights Watch reveal a negative trend, which is confirmed in the European Commission's latest progress report.

The Dutch embassy and Consulate-General fund various human rights projects, are represented at legal proceedings against human rights defenders, maintain contacts with human rights activists, organise activities around IDAHOT and International Human Rights Day and participate in monthly human rights meetings with diplomats from like-minded embassies. They also raise human rights issues in meetings with the Turkish authorities at all levels.

*Eastern Partnership countries, Russia and Central Asia*

## **Armenia**

In Armenia, the past year was dominated by the amendment of the Armenian Constitution and the accompanying referendum. The amended Constitution is supposed to transform the existing presidential system into a parliamentary one. The Venice Commission endorsed the amendments, but NGOs are concerned about the extension of the president's powers beyond the end of his current, final term and the introduction of the concept of state security as a new reason for restricting freedoms. According to these NGOs, moreover, the results of the referendum were rigged. Embassies of EU countries issued a statement expressing their concerns about the conduct of the referendum. Another source of concern in Armenia is freedom of association. Various peaceful street protests were dispersed with water cannon or ended with arrests. The Netherlands is also concerned about the inadequate protection of the rights of religious and sexual minorities. In addition, there has been little progress in the conflict between Armenia and Azerbaijan over Nagorno-Karabakh. The number of incidents rose sharply in 2015 as a result of the deployment of heavier weapons and the expansion of hostilities to civilian-populated areas. Since its accession to the Eurasian Economic Union in 2015, Armenia has renewed its negotiations with the EU on a cooperation agreement. This gives the EU more opportunities to discuss reforms and human rights.

With the support of the Dutch embassy, the NGO EPF is cooperating with the Armenian Ministry of Justice on the drafting of an anti-discrimination bill. The embassy also supports various other initiatives, such as a project promoting the acceptance of LGBT people by the media, the police and the armed forces.

## **Azerbaijan**

At a structural level, the human rights situation in Azerbaijan did not improve in 2015. The expectation that a number of political prisoners would be released in December by means of a presidential pardon did not materialise. Although Leyla and Arif Yunus were allowed to leave

prison, they did not receive permission to travel abroad. In a positive development, the president granted amnesty to a large number of prisoners, including at least 14 prominent political prisoners, in March 2016. Leading human rights lawyer Intigam Aliyev, who started serving a seven-and-a-half year sentence for economic offences in April 2015, was provisionally released on 28 March 2016. In June 2015, journalist and founder of the Institute for Reporters' Freedom and Safety Emin Huseyov was allowed to leave the country after taking refuge in the Swiss embassy for 10 months. On the other hand, many journalists and opponents of the regime were convicted on the basis of trumped-up charges. Moreover, relatives of members of the opposition and critical journalists were increasingly subjected to police harassment and charges. The government's repressive measures and the implementation of highly restrictive NGO legislation placed increasing pressure on freedom of the press and freedom of expression. At this point, people only dare to express criticism on social media, but even Facebook users and bloggers are being tracked and occasionally arrested.

At both bilateral and EU level, the Netherlands is pushing for a critical human rights dialogue with the Azerbaijani authorities. The EU has issued various statements, and Dutch foreign minister Bert Koenders released a statement in August in response to the conviction of Leyla and Arif Yunus. In the Council of Europe's Committee of Ministers, moreover, the Netherlands has been actively involved in monitoring the execution of ECtHR judgments in cases involving Azerbaijan. The Dutch embassy also stood up for individual human rights defenders: embassy staff attended various trials and maintained close contacts with human rights defenders. The embassy also supported several projects, although the new NGO act makes it very difficult to provide financial support to NGOs.

## **Belarus**

The most important event in Belarus in 2015 was the release of all recognised political prisoners. Their release was welcomed by the international community and offered some hope of an improvement in the country's human rights situation. However, human rights violations continue unabated and are systematic in nature. They include restrictions on freedom of expression, association and peaceful assembly, infringements of labour laws and intimidation of political opponents and human rights defenders. Ill-treatment of prisoners and detainees is also common practice in Belarusian prisons. The civil rights of the political prisoners who have been released have yet to be restored. In October 2015, President Alexander Lukashenko was re-elected for a fifth term. In its final report, the OSCE's Election Observation Mission described the election process as being far from democratic or fair. Since Lukashenko's re-election, moreover, no structural changes that might actually improve the human rights situation have been implemented. Although less frequent, the harassment of independent journalists is still a regular occurrence. Belarus is the only country in Europe that still has capital punishment on the statute book. In 2015, the death penalty was imposed on two occasions and implemented once.

In the margins of the 2015 HDIM in Warsaw, the Dutch embassy in Poland, which also serves Belarus, organised a meeting between Belarusian human rights activists and the Human Rights Ambassador, who was also interviewed by an independent radio station that broadcasts to Belarus. The embassy holds regular talks with the foreign ministry in Minsk, in which it draws attention to the country's human rights situation. In cooperation with the ministry in The Hague, moreover, it advocates coordinated action at EU level. The embassy uses its network to monitor developments in the field of human rights and is involved in ongoing consultations with other international donors and implementing organisations.

## **Georgia**

In the case of Georgia, important developments in 2015 included the country's election to the Human Rights Council for the 2016-2018 term (where it will focus on the rights of vulnerable groups, especially women, children and displaced persons), the UPR, where it accepted the Netherlands' recommendations on combating domestic violence and implementing anti-discrimination legislation, and the adoption of the Juvenile Justice Code after a long process launched with Dutch support. The Netherlands continues to harbour serious concerns about the violation of Georgia's territorial integrity and the lack of access to and scrutiny of the Georgian regions of Abkhazia and South Ossetia. In 2015, the Netherlands therefore once again supported the UN General Assembly resolution on the rights of displaced persons in Georgia. Neither the media nor the judiciary are yet sufficiently independent. During her visit to the country in November, EU High Representative Federica Mogherini highlighted the need for free media,



pluralism, respect for the rule of law and an independent judiciary. Georgia has an anti-discrimination law that protects minorities but in practice still falls short in terms of its enforcement. Discrimination against religious, ethnic and sexual minorities therefore remains a source of concern.

Among various projects, the Dutch embassy supports the efforts of a local LGBT organisation to disseminate realistic information and real-life stories of LGBT people (via the internet and television) in order to stimulate a public debate based on respect and rights. It also supports a consortium of three NGOs that promote the rights of ethnic and religious minorities through various channels, including data collection and reports, legal assistance, providing information in secondary schools and social media lobbying. In order to combat impunity in the area of domestic violence, the embassy funded the production and distribution of a film about 24 women who were killed by their current or former husbands or partners in Georgia in 2015.

## **Kazakhstan**

In 2015, Kazakhstan made progress in the fight against torture and ill-treatment by means of a National Preventive Mechanism that grants independent observers access to closed prisons. However, human rights came under increased pressure during the past year, for example in the areas of employment rights (trade unions) and freedom of expression. In April 2015, President Nursultan Nazarbayev was re-elected in an election that according to international observers did not offer voters a 'real choice'. In the autumn, several activists, journalists and individuals were charged, fined and sentenced to prison on the grounds of loosely formulated criminal law provisions criminalising the 'incitement of social, national or religious discord' and the 'deliberate dissemination of false information'. In December 2015, Kazakhstan adopted new legislation on the regulation of NGOs, which provides the government with new monitoring and sanction mechanisms. The parliament of Kazakhstan also passed a child protection law prohibiting 'propaganda' in support of 'non-traditional sexual orientation'. However, this law was struck down by the country's Constitutional Council.

In 2015, the Dutch embassy supported projects focusing on human trafficking, freedom of expression online, freedom of religion, human rights and business, and human rights defenders. It also monitored certain trials. The embassy focuses on promoting social engagement among Kazakhstan's young and rural population.

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### *Human Rights Ambassador*

During a visit to Kazakhstan on 11-16 October, at the invitation of President Nazarbayev, the Human Rights Ambassador visited several cities, including Atyrau, Astana, Ust-Kamenogorsk and Almaty, where he met with representatives of local and central government, NGOs, trade unions and the private sector, as well as journalists and human rights defenders. He was also interviewed by various state broadcasting companies and independent media platforms. In a meeting with the Minister of Foreign Affairs, the ambassador expressed his concerns about a forthcoming law on NGOs and the case of prisoner of conscience Vladimir Kozlov. In Atyrau and Ust-Kamenogorsk, he met with regional authorities. He also met with Kazakhstan's Ombudsman, his own opposite number. In all these encounters, the ambassador placed particular emphasis on the issue of human rights and business, stating that the state and the private sector should both contribute to the protection of human rights. He also pointed out that the Netherlands sees human rights as an integral part of any modernisation process. Kazakhstan expressed appreciation for Dutch and EU support aimed at strengthening the rule of law.

## **Moldova**

The human rights situation in Moldova improved slightly in 2015. The government's anti-discrimination council, which was established in 2014, started monitoring the implementation of legislation and policies aimed at combating discrimination. However, as a result of the budgetary restrictions facing the country, the council lacked the resources to do its work properly. The Dutch embassy in Romania, which also serves Moldova, therefore supported the council and facilitated cooperation between the council and NGOs. Despite the general improvement in the human rights situation in Moldova, certain concerns remain. LGBT people face low levels of social acceptance, and members of the Roma community suffer social marginalisation. There are also concerns about the rights of prisoners. There is a shortage of independent media in Moldova, since large parts of the media are owned by parties with political and economic interests.

The Dutch embassy supports various projects in the field of anti-discrimination. In 2015, moreover, it concentrated its efforts on improving freedom of expression by helping investigative journalists publish their findings on independent media platforms and helping local newspapers publish online in order to reduce their dependence on traditional backers. In order to keep monitoring the situation in the separatist region of Transnistria, the embassy maintained contacts with local human rights activists and defenders. It also supported projects aimed at improving the situation of the region's women and children.

## **Russia**

The human rights situation in Russia deteriorated further in almost all areas in 2015. The rule of law remains weak, and corruption once again featured prominently in government, the courts, the private sector and society at large. The space available to civil society was restricted even further, for example by foreign agent legislation. As a result of the adoption of a law prohibiting 'undesirable foreign activities', several large foreign donors to Russian human rights organisations have been banned from Russia. State media and government representatives increasingly describe all forms of public criticism as 'unpatriotic'. Laws aimed at combating extremism and the stricter regulations on demonstrations adopted in 2015 were employed more frequently as a means to stifle critical voices. Freedom of expression came under increasing pressure, both online and offline. Against the background of rising pro-Kremlin propaganda, the country's small number of independent media organisations remained under pressure and foreign media ownership was legally restricted. On a positive note, the position of disabled persons in Russian society improved slightly during the past year, although challenges remain.

Human rights are regularly raised in bilateral contacts with Russia. In 2015, EU High Representative Mogherini also addressed the human rights situation in Russia in written statements issued by her spokesperson. During the past year, the Dutch embassy and Consulate-General supported projects promoting equal rights for women and LGBT people, freedom of expression, human rights and business (CSR) and the rule of law, as well as projects supporting human rights defenders, in Moscow, St Petersburg and various regions outside the major cities. In addition, the embassy supported various forms of human rights education in Russia and, in close cooperation with the local NGO community, organised well-attended gatherings to mark International Human Rights Day and IDAHOT.

At EU level and together with other like-minded countries, the embassy and the Consulate-General monitored legal proceedings against human rights organisations and members of the opposition, as well as other prominent cases in which the neutrality of the judicial process was in doubt. The missions maintain an extensive network involving human rights organisations and semi-independent government entities, such as ombudsmen for human rights and representatives of the Presidential Council for Civil Society and Human Rights. The Netherlands continues to push for the resumption of the six-monthly human rights consultations between the EU and Russia, which last took place in 2013.

## **Ukraine**

As in 2014, the gravest human rights violations in Ukraine were connected to the conflict in the east of the country and the Russian Federation's illegal annexation of Crimea. Despite repeated promises of a ceasefire, bombardments continue to take place. According to the UN, the conflict has so far cost more than 9,000 lives. The humanitarian situation in the area controlled by the separatists and along the contact line is very worrying, since it is hard to secure access for emergency supplies of food and medicine. People are held without trial under appalling conditions and are being systematically tortured and murdered in the area controlled by the separatists. Another significant human rights violation is the restriction of freedom of movement by the checkpoints on either side of the contact line demarcating the area controlled by the separatists in the east of the country and the 'border' between occupied Crimea and the rest of Ukraine. Outside these conflict areas, the situation in Ukraine stabilised in 2015. Following the Maidan Revolution ('Revolution of Dignity') of late 2013 to early 2014, important steps were taken under the leadership of President Petro Poroshenko and Prime Minister Arseniy Yatsenyuk. However, much remains to be done in the area of corruption, law enforcement and reform, especially regarding the implementation of the reform legislation. In close cooperation with the Council of Europe, the EU and other international organisations, the government formulated a national human rights strategy and adopted a national action plan on human rights, both based on

international human rights instruments. A provision on the equal right to employment of LGBT people was included in Ukraine's employment legislation. According to the OSCE's ODIHR, the local elections of October 2015 were conducted in a free and fair manner. Public debate remained open, thanks in part to the NGOs established as a result of the Maidan Revolution.

The Dutch embassy supported the activities of the EU delegation in respect of freedom of the media and the adoption of the employment legislation prohibiting discrimination on the basis of sexual orientation in the workplace. In particular, the embassy supported projects promoting investigative journalism, the rights of minorities, such as Roma and LGBTI people, and the reception of internally displaced persons (IDPs).<sup>53</sup>

## Central Asia

Human rights remain under serious pressure throughout the Central Asian region. Government policies aimed at combating extremism are leading to problems in the fields of freedom of religion and minority rights. The human rights situation in **Tajikistan** has deteriorated, in part because the authorities are suppressing the opposition from fear of instability. The governments of **Uzbekistan** and **Turkmenistan** do not respect human rights. In some respects, **Kyrgyzstan** forms a positive exception. International observers characterised its recent parliamentary elections as competitive, despite certain shortcomings. Legislation on foreign agents and against 'LGBT propaganda' has been discussed in parliament but has not yet been passed. The heated media debate surrounding these two bills has impeded the work of human rights defenders and increased intolerance towards the LGBT community in society.

The Human Rights Fund has enabled several Dutch organisations to cooperate with local NGOs in Kyrgyzstan and Tajikistan with a view to supporting human rights defenders and promoting equal rights for women, children and the LGBT community.

### *Countries within the EU*

## Baltic states

Human rights are generally respected in the Baltic states. Issues that require attention in all three countries include: intolerance towards refugees and sexual minorities; domestic violence; the treatment of people with an intellectual disability (e.g. legal aid and conditions in closed institutions); the slow implementation of EU human rights directives (on e.g. equal treatment and protection against hate crimes); and long delays in the judicial process. In all three countries, the population exhibits intolerance towards refugees. Openly racist and xenophobic statements are a regular occurrence. Although the taboo has disappeared and tolerance towards the LGBT community is gradually increasing, equal rights for LGBT people are still a sensitive issue in all three countries. Politicians rarely express positive views about LGBT people. **Lithuania** has legislation prohibiting the dissemination of information that could be harmful to minors, which is deemed to include information about homosexuality. In legislative terms, the situation in **Latvia** deteriorated in 2015. Traditional family values were reinforced in the constitution, including the principle that a family consists of a man and a woman. In addition, the Latvian parliament passed a law that makes it possible to censor educational material that is considered unconstitutional. In contrast, the 2015 EuroPride event in Riga, which was organised in cooperation with the local authorities, was well attended and passed off without incident. In 2014, the parliament of **Estonia** passed legislation that was meant to introduce a registered partnership for same-sex couples. In 2015, however, it did not manage to pass the necessary implementing legislation, which means that such partnerships are still not possible.

In Latvia and Lithuania, problems still arise with overcrowded prisons and the poor treatment of prisoners. In addition, Latvia – and to a lesser degree Estonia – still has a large group of 'non-citizens' who have no nationality and therefore do not have full political rights (e.g. the right to vote in national elections).

<sup>53</sup> In the framework of the project on IDPs, the embassy successfully reached out to small-sized local NGOs, action groups and grassroots movements and engaged them on a community level. The project is expected to improve IDP integration and provide long-term solutions for displaced persons.

The Dutch embassies in the Baltic states supported various projects, such as the publication of the annual report of the main human rights NGO in the region, with a view to making it accessible to Russian speakers. In addition, they helped improve respect for the rights of LGBT people by supporting the EuroPride website, organising two exhibitions and funding a teacher training programme aimed at preventing violence against LGBT people.

### **Bulgaria**

In Bulgaria, the situation of the Roma minority remains a challenge for the government. In 2015, there were several violent incidents. The state of the Bulgarian prison system is poor, but the government is aware of this and is implementing a wide range of measures to address the problem. Freedom of the media is under pressure from private and political actors. In addition, Bulgaria faces problems relating to migration. It is responsible for registering refugees at the external borders of the EU. The country's police have been accused of mistreating migrants. The independence of the courts remains a key issue and was raised as part of the HRC's UPR in May 2015. The Bulgarian government has confirmed that the judiciary needs to be reformed and that initial steps have been taken to this end.

The Dutch embassy is helping to improve the position of prisoners through the Rule of Law programme. In addition, as part of its efforts to promote equal rights for LGBT people, the embassy organised a roundtable discussion on hate crimes against the LGBT community.

### **Croatia**

Two and a half years after joining the EU and 20 years after the Balkan wars ended, Croatia has made ample progress in the field of human rights, the rule of law and democracy. However, certain challenges remain. The elections in 2015 revealed several negative tendencies, including hate speech and pressure on human rights defenders and freedom of the press. This was not so much the work of the government as of various political parties. Tensions with the country's Serb minority resurfaced in 2015. The special anti-corruption unit is functioning relatively well, but the judicial process still often struggles with procedural errors. Recent reforms have reduced the backlog of cases, but the judicial system remains overburdened. LGBT rights are fairly well enshrined in law, but social acceptance is still lagging behind. In 2015, Croatia experienced its first large influx of asylum seekers. The government responded by arranging their swift transportation to neighbouring countries.

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The Dutch embassy repeatedly drew the government's attention to LGBT rights (especially in its capacity as a member of a national advisory committee on this issue), gender equality and minority rights. It also maintains close contacts with human rights defenders. In addition, the embassy supported a project promoting access to the courts, which shows citizens how to use institutional processes to exercise their rights.

### **Czech Republic**

The Czech Republic has a sound human rights policy. In the past year, however, there was some criticism of the government's response to the migration crisis. Living conditions in the country's reception and detention centres were criticised by the national ombudsman, the international community and UN representatives: the centres were overcrowded, little attention was devoted to the welfare of the inhabitants and care for young children was inadequate. The situation improved during the course of the year.

The Dutch embassy in Prague supported a project aimed at improving the image of migrants and human rights in the Czech Republic. In addition, in cooperation with various NGOs, it worked on a new educational platform in the field of human rights. The project will be launched in mid-2016.

### **France**

In 2015, France suffered a series of terrorist attacks. In January, employees of the satirical magazine *Charlie Hebdo* were shot dead and several people were killed in an attack on a Jewish supermarket. In November, 130 people were killed in multiple shootings targeting cafés and a concert venue in the centre of Paris. These incidents were an attack not just on freedom of expression and religion but also on the Western way of life. The attacks led to an outpouring of support from all sectors of society, including members of the Dutch Government.

In 2015, the Dutch embassy focused on supporting human rights projects that promote equal rights for LGBT people. French LGBT activists regard the Netherlands as a leader in this area. Together with COC Netherlands and the French umbrella organisation Inter-LGBT, the embassy organised a well-attended conference on LGBT campaigning and policy. In this manner, and as one of the few players in the field, the embassy provided a platform for policy discussions between the relevant parties. On the basis of the cooperation that emerged in the run-up to the conference, Paris joined the Rainbow Cities Network and the French foreign ministry decided to fund two LGBT projects in West Africa. In 2015, the embassy also cooperated with the Anne Frank Foundation, which organises volunteer-run educational projects on non-discrimination and freedom, for example in schools and disadvantaged neighbourhoods where antisemitism is a problem.

### **Germany**

As in many other European countries, the influx, reception and treatment of asylum seekers became a major political issue in Germany in 2015. The political and public debate focuses on such topics as the possibility (or impossibility) of setting an upper limit on their admission and the undesirability of differentiated treatment for asylum seekers in Germany on the basis of religion. In the realm of foreign affairs, human rights played a key role in German policy on the Middle East, Africa and South Asia.

In June, the Dutch embassy in Berlin hosted a public debate at the chancellery on the acceptance of LGBT people in the workplace. The event provided a good opportunity to draw attention to the rights of LGBT people and Dutch priorities in this area. The message was well received by the participating policymakers, civil society representatives, the rest of the audience and the media. In addition, on the occasion of International Human Rights Day, the embassy hosted a panel discussion on the implementation of UN Security Council resolution 1325 on women, peace and security.

### **Greece**

In 2015 there were no substantial changes in the human rights situation in Greece in comparison to previous years. Nevertheless, it has – more than ever before – become a transit country for asylum seekers and migrants. Most asylum seekers spend a maximum of three days in Greece before travelling further into Europe across the Greek-Macedonian land border. Reception, detention and access to asylum initially improved, thanks to the implementation of the national action plan for asylum and migration, but were completely overwhelmed during the second half of the year by the huge numbers of migrants and refugees entering the country. As a result of the financial crisis, conditions in Greek prisons have deteriorated still further, with overcrowding, poor hygiene, and limited access to health care for Greek and non-Greek prisoners alike. The welfare system is unable to provide adequate support to the unemployed part of the population. The crisis has also affected the quality of the health system and the access of unemployed people (who lose their insurance) to medicines and doctors. In a positive development, the Greek government initiated new legislation granting second-generation migrants, who were born and raised in Greece, the right to Greek citizenship.

Fifteen embassies took part in Athens Pride in 2015, after several first took part in this event in 2013 at the initiative of the Dutch embassy. This participation was very heartening for Greek LGBT organisations, which greatly appreciated the international support. In 2015, the Dutch embassy also devoted attention to the rights of Roma, victims of human trafficking and the protection of refugees.

### **Hungary**

As in 2014, developments in Hungary's human rights situation continue to give cause for concern. This is attributable to positions adopted by the Hungarian government and the wording of new legislation. There are concerns about equal rights for LGBT people, women's rights and freedom of expression, both offline and online. In 2015, pro-government politicians exhibited misogynistic behaviour and language in relation to women's rights. In December 2015, for example, the Speaker of the National Assembly attracted attention by calling on Hungarian women to focus on having children. NGOs that criticise the government are stigmatised as 'foreign-funded agents'. Outrageous government actions meet with insufficient or ineffectual criticism from the national ombudsman. Hungary's reception of refugees was inadequate, as part of a deliberate policy to

discourage asylum seekers from coming to the country. On a positive note, the 2015 Pride Parade did not lead to major problems.

After attending a meeting of the International Holocaust Remembrance Alliance in Hungary, the Human Rights Ambassador met with officials in Budapest, NGOs and the office of the ombudsman to discuss the aforementioned issues.

The Dutch embassy assisted refugees by supporting a project that provides psychological and psychiatric help to people who have experienced trauma. It also supported projects aimed at strengthening civil society, for example by organising and funding study trips to the Netherlands for journalists and human rights activists.

## **Poland**

As in 2014, sexual and reproductive rights remain a cause of concern for international human rights organisations in Poland. Poland is one of a number of European countries that restrict access to abortion and have made little progress in the area of sex education. Much remains to be done in the field of equal rights for LGBT people. For example, the LGBT community is working hard to advance the introduction of registered partnerships for same-sex couples.

The new right-wing conservative Law and Justice (PiS) government took office at the end of November 2015. This is expected to have an impact on progress in the above-mentioned areas. The new government appears to be committed to a Polish society based on traditional Polish norms and values. It also introduced new legislation on the Constitutional Tribunal and media supervision. This raised questions within the European Commission concerning the course being pursued by the new government on matters relating to the rule of law and led to the activation of the rule of law mechanism in January 2016.

An international conference on Gender and Sexual Diversity in Sport, which took place in the margins of the Annual General Assembly of the European Gay and Lesbian Sports Federation, was attended by a large Dutch delegation. The Dutch embassy in Warsaw played an important part in the organisation of the conference.

In addition, the embassy organised workshops for Polish NGOs on the topic of business and human rights. The Human Rights Ambassador, who was also invited to attend, subsequently met with the Polish authorities to urge the adoption of a National Action Plan on human rights, which has since been taken up by the Polish foreign ministry.

## **Romania**

As an EU member state, Romania has a sound statutory framework for guaranteeing and promoting human rights. In practice, however, certain minorities face discrimination, the most vulnerable minority being the Roma. In accordance with agreements concluded within the EU, the Romanian government is implementing a National Roma Strategy, which is funded through the EU's Multiannual Financial Framework. LGBTI people are another vulnerable minority, also governed by EU law. In practice, however, LGBTI people do not enjoy social acceptance, and public debate on this issue is largely limited to NGOs and LGBTI interest groups. The influential Romanian Orthodox Church is a key opponent of gay rights and their enshrinement in law. Finally, Romanian women are frequently exposed to domestic violence, which claims hundreds of victims every year.

The Dutch embassy actively participates in consultations with NGOs and like-minded countries aimed at drawing attention to and finding solutions for the Roma's disadvantaged position. For example, it contacted the Romanian government concerning the plight of Roma families who were evicted from their homes just before the winter without being offered adequate alternative accommodation. In addition, it supported a project aimed at improving Roma political representation in local elections in June 2016, so that they can take more control of their fate at administrative level. In 2015, the embassy also supported the Pride Festival in Bucharest and co-funded the Feminist and Queer International Film Festival. Together with the United Kingdom, the Netherlands organised a debate on civil partnerships. Finally, in order to raise awareness of domestic violence, the embassy participated in a campaign to mark the International Day for the Elimination of Violence against Women.

## Slovakia

In 2015, two human rights issues were at stake in Slovakia: equal rights for LGBT people and the social integration of the Roma. At the beginning of 2015, a conservative NGO, Alliance for Family, launched a campaign for a referendum on gay and lesbian marriage and adoption by gay and lesbian couples. The referendum had a turnout of just 21.41% and was accordingly declared invalid. One month later, the government of Slovakia approved a national action plan to protect and safeguard human rights. The situation of the Roma has not improved despite several initiatives promoting social integration. The government failed to deploy the financial resources made available by the EU in a systematic and meaningful manner. There is no structural cooperation between the government and NGOs in the field of social integration.

The Dutch embassy supported the Month of LGBTI History and organised a small Pride Parade in eastern Slovakia in support of equal rights for LGBT people. It also funded a project aimed at strengthening members of the Roma community.

In general, human rights are properly safeguarded in **Spain, Italy** and **Portugal**. The Dutch embassies in these countries regularly discuss the situation of migrants and asylum seekers with the authorities, civil society and UNHCR. The reception of recently arrived migrants in Italy is inadequate. The Dutch embassy in Rome therefore supports organisations such as the Italian Council for Refugees, which actively contributes to the reception of asylum seekers and the integration of migrants residing in Italy. In Portugal, the government is pushing forward with legislation on LGBT adoption rights. In Italy, a bill has been drafted granting same-sex couples the ability to register their partnerships. Finally, **Cyprus** has taken a big step in the area of equal rights for LGBTI people by adopting a law on registered partnerships.

## 4. Appendix: List of projects financed with delegated funds from the Human Rights Fund

Algeria	€19,992
Armenia	€61,994
Azerbaijan	€38,484
Bangladesh	€89,014
Belarus	€810,144
Brazil	€146,748
China	€1,796,788
Colombia	€515,309
Cuba	€187,309
DRC	€489,069
Egypt	€351,691
Ethiopia	€194,620
Georgia	€399,522
India	€686,702
Indonesia	€854,094
Iran	€543,131
Iraq	€195,463
Israel	€150,308
Jordan	€699,997
Kazakhstan	€401,666
Kenya	€212,341
Kuwait	€60,101
Lebanon	€600,001
Libya	€20,883
Mexico	€142,918
Moldova	€448,136
Morocco	€500,005
Myanmar	€661,333
Nigeria	€1,510,886
Pakistan	€759,999
Palestinian Territories	€1,123,626
Panama	€74,192
PM Geneva (UN)	€1,338,978
PM Strasbourg (CoE)	€370,000
PM Vienna (OSCE)	€600,000
Russia	€532,532
Saudi Arabia	€8,600
Senegal	€363,299
South Africa	€398,105
South Korea	€34,999
Sudan	€799,266
Syria	€233,962
Tunisia	€286,917
Turkey	€499,646
Uganda	€200,395
Ukraine	€655,188
United States	€642,570
Uruguay	€28,405
Yemen	€18,500
Zimbabwe	€1,400,012

- Serious violations
- Equal rights for LGBTI people
- Equal rights for women
- Human rights and business
- Human rights and development
- Human rights defenders



- Other
- Freedom of religion and belief
- Freedom of expression and internet freedom