Opening statement of the Kingdom of the Netherlands

Universal Periodic Review - 15 November 2022

Sint Maarten on behalf of the Kingdom of the Netherlands

Thank you Mr/Mrs (Vice-)President,

Distinguished representatives of member and observer states of the Human Rights Council,

My name is Anna Richardson, Minister of Justice of Sint Maarten, and it is an honour and a privilege to be the Head of Delegation for the Kingdom of the Netherlands on the occasion of our fourth Universal Periodic Review.

The Kingdom of the Netherlands consists of four countries of equal status, who are each responsible for their internal human rights policies. For that reason all four countries of the Kingdom are represented on this podium today. It is my honour to introduce each of their representatives to you:

* The country of the Netherlands is represented by Her Excellency Hanke Bruins Slot, Minister of the Interior and Kingdom Relations;
* The country of Aruba is represented by His Excellency Rocco Tjon, Minister of Justice and Social Affairs;
* The country of Curaçao is represented by His Excellency Shalten Hato, Minister of Justice;
* And I represent the country of Sint Maarten.

We are supported by a delegation which consists of a large number of experts from quite a number of different ministries, which I believe is a true illustration of the importance we attach to the UPR process.

I will now first make a few introductory remarks on behalf of all four countries of our Kingdom, after which each minister will address the human rights situation within their own countries.

The promotion and protection of human rights is a priority for the Kingdom of the Netherlands. Human rights are the cornerstone of human dignity, freedom and develop­ment, and form the basis for open and free societies all over the world. We are proud of our achievements in this area, but at the same time acknowledge that human rights protection requires continuous maintenance and, where possible or necessary, improvement.

The Universal Periodic Review mechanism plays an important role in the monitoring and progression of human rights in our countries, and we wish to express our sincere appreciation that 108 States will intervene in the fourth UPR of the Kingdom of the Netherlands. We look forward to a constructive discussion with you today and to further studying your recommendations when we return to our capitals, also in consultation with civil society.

I would like to take this opportunity to thank the UPR secretariat for their assistance in preparing for our review, as well as for their work still to come on the drafting of the report of this session. In this context I would also like to thank our Troika – Gambia, the United Arab Emirates and Venezuela – for their upcoming work on our UPR.

I will now address the human rights situation in Sint Maarten specifically, after which I will pass on the floor to my honourable colleagues from the Netherlands, Aruba and Curaçao.

Sint Maarten

In September 2017, four months after our last hearing, Sint Maarten was hit by Hurricanes Irma and Maria, at the time the strongest recorded storms in Atlantic history. Damages on the Dutch half of the island were estimated at €2.5 billion (USD$2.98 billion). The impact of this on a small island is immeasurable and is felt in the financial, social, and cognitive spheres.

I choose to begin my intervention with this statement in response to advance question by the representative of the United Kingdom on what the Kingdom of the Netherlands is doing to address climate change in the Caribbean parts of the state given the innate vulnerabilities of these islands. Addressing climate change has always been seen as the autonomous competence of the countries but the reality is as small islands, we lack the necessary capital to invest in mitigation and adaptation initiatives. This is partly due to our European economic classification , which can restrict access to international funding. In order to offset this drawback, we have extensively make use of private public partnerships and have been campaigning to bring this reality to the international community. The reality is the impact of climate change, such as increased strength and frequency of hurricanes, forces mitigation, adaptation, and innovation funds to be constantly redirected into reconstruction and recovery efforts. Compounded by the COVID-19 pandemic, 6 years later Sint Maarten has still not returned to its pre-2017 economic state.

The problem is here and now, and leads to the question by Portugal, who on behalf go the Group of Friends, asked about the establishment of a dedicated national mechanism for implementation reporting, and follow-up (NMIRF). On Sint Maarten human rights are coordinated by the Human Rights Platform, an inter-ministerial workgroup with a mandate for monitoring and reporting. As a small island we are faced with limited human and financial capacities. This at times can impede the mandate of the platform and undermines the ability to implement conventions such as those on Asylum seekers and the Disabled.

I want to further address some positives related to the aforementioned:

As it relates to the Kingdom efforts to climate change in the Caribbean, following lobbying from the Caribbean countries, preliminary discussions were held last week the possibility of accessing technical assistance and funding mechanisms to combat climate change.

Secondly, as it relates to the limited capacity the Government launched the National Development Vision (NDV) that will look wholistically at the needs for the future development of the country to identify existing gaps to improve, among other things, good governance and upholding our international obligations.

Finally allow me to share some positive updates, related to submissions in our report:

In our report we indicated that the Government of Sint Maarten had engaged with UNOPS to build a new prison facility. As of today, I am pleased to announce that we are in the final stages of negotiating the necessary documentation for the realization of this project. This has the Government, and my very personal attention, given the concerning reports over the years on the condition of detention in my country. The anticipated program manager has been appointed and in strong collaboration with the prison management and legal and policy advisors of my Ministry, we are focusing on, as mentioned in the report, not only the redevelopment of the physical space but the penitentiary system as well, with at its core education, sensitization, and rehabilitation.

Secondly, regarding child protection, the aforementioned launch of the NDV in the presence of the Government, stakeholders, and partners including UNDP. The Vision and has a strong focus on the youth and will support the current initiatives being undertaken by the Ministry of Education, Culture, Youth, and Sports to holistically address the needs of children, including a review of the relevance of the current curriculum and alignment with labour market demands and trends, as well as the protection of children through a comprehensive intersectoral platform.

And thirdly, regarding the subject matter: Comprehensive Victim Support, I am pleased to announce that we are now in the final stages of reviewing credentials for the recruitment of personnel to oversee this initiative. I do hope in subsequent and related reports we will be able to highlight concrete actions that this foundation would’ve taken to support victims of crime, given the pyscho-social impact that such experiences carry.

Thank you very much and I would now like to yield the floor to Her Excellency Hanke Bruins Slot, Minister of the Interior and Kingdom Relations for the Netherlands.

Netherlands

Thank you, Minister Richardson.

Mr (Vice-)President, Your Excellencies,

My name is Hanke Bruins Slot and I am the Minister of the Interior and Kingdom Relations of the country of The Netherlands.

I would like to echo Minister Richardson’s words and express my gratitude for being able to speak to you today. In the Netherlands, we greatly value the promotion and protection of human rights. And the fact that we as UN Member States have the Universal Periodic Review as a platform for dialogue to discuss human rights matters in each other’s countries is of incredible importance.

I look forward to hearing your feedback and recommendations shortly, but I would first like to start with highlighting some important developments from the last few years.

As in many of your countries, the Dutch Constitution is the most fundamental national safeguard of human rights, democracy and the rule of law.

This year, several articles of the Constitution were modernised, among which the article on the right to privacy that dated from pre-internet times.

Also, the right to a fair trial was added to the list of human rights in the Constitution.

A legislative initiative by three political parties to add the grounds of ‘sexual orientation’ and ‘handicap’ to the prohibition of discrimination in article 1 of the Constitution, is pending before the Senate. The government supports this initiative.

Furthermore, a new general provision was added at the beginning of the Constitution explicitly stating that the function of the Constitution is to safeguard fundamental rights, democracy and the rule of law.

When it comes to human rights protection at the international level, the Netherlands supports existing instruments and encourages new initiatives, for example in relation to business and human rights and the right to a clean, healthy, and sustainable environment.

Next, I would like to draw your attention to the great number of Action Plans, national programmes and legislative initiatives we have launched in the area of human rights.

Some notable examples include:

o the Action Plan on Business and Human Rights;

o the National Programme to combat discrimination and racism;

o the Action Plan against discrimination in the labour market;

o the programme ‘together against human trafficking’;

o the first Climate Plan; and

o the ambition to provide for many more houses, including for vulnerable groups.

And of course, in 2020, the second Dutch National Human Rights Action Plan was published, which has a focus on access to public services. This Action Plan, among other things, led to the founding of a platform for local authorities to get acquainted with human rights issues and to share promising practices on how to promote human rights at the local level.

However, if we look back at the five years since the last UPR hearing of the Netherlands, we have to acknowledge that, despite the ambitions and the legislation and the action plans, we have not always achieved the high level of human rights protection we strive for.

An important example in this context is the Childcare Allowance Case, which showed that Dutch authorities treated citizens differently on the basis of questionable criteria, such as having a dual nationality. Such forms of discrimination are of course inexcusable and the Dutch government is taking steps to compensate affected parents. However, despite our best efforts, not all victims have been fully compensated yet.

Other problems have also proven to be persistent and difficult to tackle effectively, such as, but not limited to, human trafficking, the gender pay gap, issues linked to migration, and discrimination in the labour market.

Acknowledging the areas of improvement is an important first step but, of course, it has to be followed by action. And that is what the Dutch government is doing.

For example, since the Childcare Allowance Case, we have intensified the approach to addressing discrimination and racism in public policy.

In October of last year, our National Coordinator against Discrimination and Racism was appointed. The Coordinator identified signals from society which, in cooperation with relevant parties, were translated into a national programme against discrimination and racism.

There are many more example, but for now, I find it important to emphasise that we do our best to do better. To reduce poverty, and to provide equal access to housing, work and education for all. We strive for an inclusive police force, discrimination-free algorithms, a clean environment and a sustainable climate. We try to guarantee security for all persons in the Netherlands from harassment, exploitation and discrimination in any form.

To achieve all of this, we take a human rights approach to all law-making and decision-making. This approach is continuously reviewed and strengthened, most notably through the compulsory human rights assessment for all legislative proposals. For the purpose of this assessment, Dutch civil servants have access to human rights law checklists, and recently a guide for constitutional review was also added to the available instruments.

Later during this session, I will go into more detail about some of the actions that we are taking, but for now I would again like to thank all Member States for the input they will be giving during this session. I look forward to hearing your contributions.

Thank you, and I would now like to yield the floor to my colleague from Aruba, Minister of Justice and Social Affairs Rocco Tjon.

Aruba

Mr. / Mrs. President,

Distinguished representatives of the Member States and Observer States of the Human Rights Council, Ladies and Gentlemen,

As the Minister of Justice and Social Affairs of Aruba, it is an honor for me to make a few introductory remarks on behalf of the Government of Aruba. It would be impossible to mention all the numerous efforts that the Government is undertaking now in the 6 minutes allocated for this opening statement.

I will try to give a brief overview of what has been done to mitigate the impact of the pandemic and what we are doing when it comes to:

- providing aid to migrants,

- combatting human trafficking,

- combatting domestic violence,

- fortifying children’s rights, and

- neighborhood well-being.

I want to start off by assuring all of you that the Government of Aruba works diligently to create better opportunities for all citizens and to build a solid foundation for the younger generations that will have the task to carry Aruba into the future within a rapidly changing environment.

We believe in a human-centered approach to policymaking where the Sustainable Development Goals guide us within this process and thereby strengthening the implementation of Human Rights. This is also why our national budget is linked to the SDG’s and Parliament has a standing committee to oversee the implementation of these goals.

IMPACT OF COVID

The COVID-19 pandemic has had an unprecedented impact on all areas of our community even though the Government of Aruba provided financial aid to those in need in the form of different financial support programs.

To mitigate especially the impact the pandemic had on the mental well-being of our citizens we restructured our mental health care system completely by separating the primary from the specialized care and introducing dedicated FACT-teams as part of the primary care. This restructuring resulted in more accessibility to mental health care on the island. We are also executing as we speak our roadmap 2021-2031 that was designed together with PAHO.

AID FOR MIGRANTS

When it comes to providing aid to migrants, Aruba welcomed several NGOs in recent years to support our efforts while at the same time addressing the impact of the crisis. During the pandemic, the organizations assisted the government with a successful vaccination program for everyone residing in Aruba, irrespective of their legal status, to secure the inclusion of all and mitigate the spread of the virus.

Post pandemic we continue to work together to help all vulnerable groups. There are several programs to help all migrants, regardless of their status when it comes to basic health needs, mental health needs and psychosocial care. Furthermore, based on the Compulsory Education Act all undocumented children have access to education in Aruba from the ages of 4 tot 16 years. Those who wish to attend the tertiary education are also eligible for a scholarship.

HUMAN TRAFFICKING

Combatting human trafficking and migrant smuggling has been prioritized by the Government of Aruba. We have an appointed national coordinator, a dedicated public prosecutor, a multidisciplinary taskforce, and a special team of detectives to investigate cases of human trafficking and migrant smuggling.

In 2019 the Coordination Center on Human Trafficking and Migrant Smuggling (CMMA) was established to be able to connect all the different entities and provide the necessary services to possible victims. The CMMA has three main tasks: provide information through a 24/7 hotline, educate through training and awareness campaigns, and assist by providing shelter and other services to victims of human trafficking. And as of last month, educational material will be introduced in schools as part of their curriculum, to create even more awareness.

COMBATTING DOMESTIC VIOLENCE

The Government of Aruba has established a Family Justice Center in Aruba, in line with the Istanbul Convention. This center is a multidisciplinary service center to survivors of gender-based violence, domestic violence, physical abuse and also to their families, from one location.

The overall goal of the FJC Aruba is to ensure that survivors of gender-based violence, domestic violence and physical abuse have access to all needed services to enhance their safety and increase offender accountability. These services include medical, forensic, judicial, and therapeutic services.

This year, Aruba also launched its first comprehensive Gender Equality Policy document, Action Plan and Education framework, which includes an integrated multi-disciplinary approach to addressing domestic/relational violence.

UN Women is currently assessing the Aruba Gender Machinery as part as a regional project and with the objective of enabling and supporting the implementation of the Gender Policy and Action Plan. The report includes strategies that address the specific situation of the most marginalized groups in our community, including migrants.

CHILDREN’S RIGHTS

Children’s rights are a subject that is very high on our agenda, and as a result many projects have been and are being executed to ensure that children’s rights are honored. Aruba has a youth and vice squad, who are trained to conduct children’s interrogations alongside qualified psychologists to present a more solid case in the court of law with regards to child abuse cases.

Furthermore, to mitigate child abuse and ensure that every child is aware and educated about their rights, we have introduced a children’s rights program “I am my own Hero”. This is a carefully thought-out project that empowers and builds the children’s confidence by educating them about inclusion and their rights. In addition, it prepares them for which actions to take if abuse may occur.

NEIGHBORHOOD WELL-BEING

The Government of Aruba, in collaboration with CEDE Aruba, a national funding and development agency, is executing a multiyear program to increase the sense of trust, social cohesion, happiness, well-being, and security in neighborhoods of Aruba.

This program is based on a collaborative approach where community centers, grassroots initiatives, diverse NGOs, and government agencies come together to add to the social capital of everyone.

Last September the Government together with CEDE Aruba allocated extra funding for the next 5 years to ensure that the capacity of community centers can be increased with staff and program elements. The different programs offered aim to contribute to several SDG goals.

The slogan of Our country is “Aruba, one happy island” and the government of Aruba is committed to make sure Aruba is and will remain the one happy island.

Thank you very much for your attention and I look forward to the questions and recommendations you may have.

Curaçao

With all protocol observed.

As the Minister of Justice of Curaçao it is a true honor to be able to address you on the occasion of our fourth UPR.

Curaçao emphasizes the importance of human rights for all of her inhabitants. For us, concessions on the theme of human rights are not possible and for that reason we applaud the input received from our peers and civil society as that makes us even more aware and makes us strive even harder to pursue , change and implement all that is necessary.

The economic situation was already not at its best before the corona pandemic. We had a negative economic growth, limited capacity to absorb setbacks while our national income fell due to the closure of the Isla refinery together with the border closure with Venezuela.

The corona crisis caused a near total collapse of tourism, high unemployment and an economic contraction of 19.4% in 2021. With half the population being dependent on food aid at one point, the crisis presented us with unprecedented challenges.

In such a confrontational reality, it might have been an easy choice to no longer prioritize human rights. Even though we faced enormous setbacks we have proven that these setbacks do not have to be detrimental to the upholding of human rights. During the pandemic, and with the help of the Dutch Government and NGO’s, aid was given to the most vulnerable in the form of debit cards for food, food parcels, hot meals and extra financial support to welfare recipients, financial aid to employed persons who lost their income and (small) businesses affected by the pandemic.

We ratified the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and prioritized the Protocol to Prevent, Suppress and Punish trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime and the International Convention for the Protection of all Persons from Enforced Disappearance among others, so that ratification can take place in 2025 at the latest.

Furthermore, Curaçao in recognizing the severity of the problems of domestic violence and child abuse, has continued to step up its efforts to eradicate domestic violence, gender-based violence and child-abuse.

In 2018 the government further prioritized the protection for victims of domestic violence and child abuse by national decree. To that end an Inter-Ministerial Working Group for coordination of the implementation of the National Plan against Violence was instituted.

This plan is aimed at ensuring that, the population receives sufficient information and appropriate protection with regard to violence against children and domestic violence. In doing so we ensure correct compliance with relevant treaties and legislation.  Even though the ratification of the Istanbul convention is still pending, the University of Curaçao was given the task to research what is needed for us to be able to ratify as soon as possible.

During the Covid pandemic, the IOM, UNHCR and UNFPA have supported the Curaçao government and local NGOs to assist Venezuelan migrants and the victims of child abuse.

All pregnant migrant women in Curaçao can access free medical services at ‘Salú pa Tur’ and after birth they can also access baby and toddler care at baby clinics. These baby clinics are a service offered by the Ministry of Health and their services free of charge. The clinic visits include immunizations and regular check-ups.

Emergency healthcare is available for all inhabitants even undocumented migrants who are also eligible to receive vaccinations within the Covid vaccination campaign. Furthermore, all minors have access to free education regardless of documentation.

When it comes to undocumented migrants and inmates I would like to draw attention to the fact that Curaçao has introduced a protection procedure in 2017, that since has been continuously updated, based on article 3 of the European Convention on Human Rights which is open to all undocumented migrants who seek protection within our borders.

With reference to migratory custody, Curaçao currently upholds two regimes depending on the specific circumstances. One of the regimes entails a reporting obligation for the undocumented migrant as an alternative to detention, while the other regime implies a migratory custody scheme. Within both regimes diversification is possible.

Curaçao strives to implement all CPT recommendations within the allotted time. With regards to the last visit by the CPT earlier this year, some of the recommendations were implemented even before the set deadline.

Thank you very much and I would like to yield the floor back to the moderator.