

## NETHERLANDS

# Human rights back on the agenda



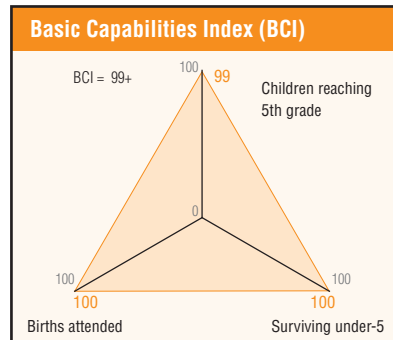
Human rights are the point of departure in the new Dutch foreign policy. The priorities range from the abolition of the death penalty, a ban on torture and championing women's and children's rights to advocating freedom of expression, preventing discrimination and promoting human rights in security policies and counterterrorism. Although there has been a more coherent foreign policy, the country still needs to reconcile some of its stated positions with its actual trade practices.

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Traditionally the Netherlands has played an important role in developing international law, human rights law and the international mechanisms of protection of human rights. In its pledge to the Human Rights Council, the Government stated that: "The Netherlands is firmly committed to the promotion and protection of human rights, both at home and worldwide. For decades, human rights have been a cornerstone of Dutch policy on foreign affairs and development cooperation."<sup>1</sup>

On 6 November 2007, Minister of Foreign Affairs Maxime Verhagen presented the new human rights strategy for Dutch foreign policy, *A life of human dignity for all*. The strategy takes human rights as the point of departure for Dutch foreign policy and explains how the Netherlands intends to implement it. Policy priorities vary from striving for the abolition of the death penalty and an absolute ban on torture and championing women's and children's rights to advocating freedom of expression, preventing discrimination and promoting human rights in connection with security policy and counterterrorism.

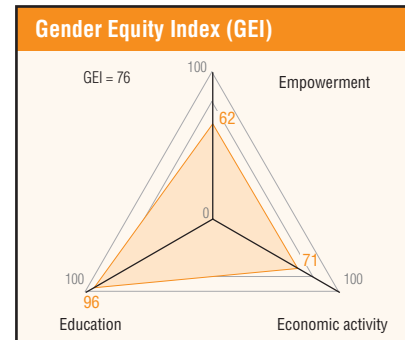
According to the strategy, extra investments across the whole of human rights policy "will make human rights an integral part of [its] relations with other countries, [its] efforts at EU level and [its] actions in multilateral fora". It stated that "where necessary, the Netherlands will be critical of its allies, and will be equally prepared to examine its own record". There are six areas where extra efforts will be made: protection of life and the person, individual freedom of religion and protection of religious minorities, children's rights, women's rights, and discrimination against homosexuals throughout the world. To increase funding for human rights projects, a new human rights fund has been set up with a total of EUR 20 million (USD 30.6 million) earmarked for the fund in 2008. This new human rights strategy includes 102 specific proposals that set out how the Government intends to achieve this aim. Among



them, the Government has stated that it wants to make an effort to integrate human rights in the work of the whole UN system, so that all parts of it, including funds and programmes, pay enough attention to human rights. This also refers to other international organizations, including international financial institutions. The Netherlands funds specific human rights programmes or programmes of which human rights are an important component. In 2008, EUR 200,000 (USD 306,000) will be given to the UNDP's Global Human Rights Strengthening Programme. The Netherlands also supports the Action 2 programme launched by UNDP and the Office of the High Commissioner on Human Rights. These programmes focus on strengthening the human rights programmes of the UN at country level.

### Implementation

In spite of its strong commitment to human rights, the Government has also been criticized because certain provisions of international law, treaties and resolutions of international institutions do not have direct effect in the national legal order. This criticism has come from both national and international sources, ranging from domestic civil society organizations to UN treaty bodies.<sup>2</sup> The Government does not consider the concluding observations of treaty bodies as authoritative. The committee of the Convention on the Elimination of Discrimination against



Women (CEDAW) itself expressed concern that the Dutch Government does not take the concluding observations of the Committee seriously.

Recent examples of this are cases in which the parties concerned unsuccessfully invoked provisions of the CEDAW or the International Covenant on Economic, Social and Cultural Rights (ICESCR). The position of the Netherlands enhances the differentiation between economic, social and cultural rights on the one side and civil and political rights on the other side, instead of effectively recognizing their interdependence and indivisibility. Additionally, the Netherlands has been opposed to an Optional Protocol to the ICESCR. The Optional Protocol, in its present form, would provide individuals and groups with a means to seek and obtain a remedy for violations of their economic, social and cultural rights at the international level, when they are denied a solution at the domestic level.

The Committee against Torture, in its August 2007 conclusions and recommendations, asked the Dutch Government to pay attention to the right to an adequate standard of living for aliens, since in the Netherlands several categories of aliens are excluded from the right to an adequate standard of living, including food, clothing and housing. Many of them have been forced to live in the streets without money for food or clothing. This also affects families with children. In the past, minor children of failed asylum seekers were sometimes detained for prolonged periods. In part in response to interventions by UNICEF, NGOs for the rights of the child, and the Dutch Parliament, the Government has decided to limit the detention of children to a maximum of two weeks. It has also earmarked EUR 3 million (USD 4.59 million) to make detention centres more child-friendly and to organize activities for them.

1 Sixty-first session, Agenda item 105 (e), Elections to fill vacancies in subsidiary organs and other elections: election of 14 members of the Human Rights Council, Letter dated 23 February 2007 from the Permanent Representative of the Netherlands to the United Nations addressed to the President of the General Assembly, 28 February 2007.

2 On November 2007, Dutch NGOs submitted a report "Dutch NGOs contribution to the First Universal Periodic Review of the Netherlands by the UN Human Rights Council". The report was written by Maria Lourijsen, Jan de Vries and Femke Wegman on behalf of the Dutch section of the International Commission of Jurists with contributions of the Netwerk VN-Vrouwenverdrag (Dutch CEDAW-Network), the Johannes Wierstichting and Art. 1.

### Gender-focused aid

Every year the country spends 0.8% of its GNI on global poverty reduction and is therefore one of the very few countries that meets the applicable UN target. Part of the contribution is used specifically to protect and promote human rights. In 2007, through multilateral and bilateral aid, the Netherlands spent EUR 4.7 billion (USD 7.19 billion) ODA in trying to achieve the fulfilment of economic, social and cultural rights. This policy is focused on direct poverty alleviation. The Government has stated that there will be a stronger focus on achieving the Millennium Development Goals (MDGs), the harmonization of bilateral aid and pursuing new Dutch initiatives for "substantial debt relief".<sup>3</sup>

Its development policy pays special attention to equal rights and opportunities for girls as a precondition for the achievement of the MDGs. In 2008 the Government will strengthen the links between human rights and the MDGs in the area of water and sanitation. The Government has also stated that it wants to further draw links between human rights and other MDGs, such as the right to food. Dutch aid policy in the area of education is based on the right to education and focuses on the objective Education for All, basic education for all in 2015.

### Progress in coherence

In its aid policies, the Government is somewhat critical of old fashioned one-size-fits-all economic policy conditions and it has stated there should be limited economic policy conditions by the World Bank. The Government is pushing for more frequent Poverty Reduction and Social Impact Analyses, as to assess the impact of specific economic policy recommendations on poverty and social and economic rights. However, it is reluctant to oppose all economic policy conditions as a matter of principle.

The Netherlands, as a trading nation, benefits from free trade. But at the same time it provides protection to its own industries (e.g. agricultural industry), mainly through the European Union. The Common European Agricultural Policy is a classic example of policy incoherence. Economic powers, such as the EU and the USA, traditionally protect their own farmers against competition from abroad, and at the same time subsidize their farmers, which allow them to produce at a cheaper rate than competing countries. As a result, dumping – the selling of surplus agricultural products on the world market below cost price – is a common practice, thus bringing world market prices down and making it impossible for other producers to compete.

<sup>3</sup> Coalition agreement between the parliamentary parties of the Christian Democratic Alliance, Labour Party and Christian Union, 7 February 2007.

The EU is currently negotiating new trade agreements with the ACP countries (African, Caribbean and Pacific countries, signatories of the Lomé Convention) as a follow-up to the 2000 Cotonou Agreement. The Economic Partnership Agreements (EPAs) are meant to liberalize trade between the EU and the ACP (Africa, Pacific, Caribbean) countries and to make sure that the agreements do not violate WTO-rules. The goal of the EPAs is to integrate ACP countries into the world economy, and to ensure sustainable development. The negotiations were supposed to be concluded in 2007 and the EPAs must be implemented between 2008 and 2020. In March 2007, the Dutch Minister for Development Cooperation stated that according to the Netherlands, the EPAs should be asymmetrical with regard to the level of openness of their economies. ACP countries should be allowed to exempt certain products from the free trade regime if these products are essential for local food security, rural development and the subsistence of large parts of society. Furthermore, the Netherlands thought ACP regions should be allowed to protect themselves against dumping and subsidized exports.<sup>4</sup>

Another example is illegal logging, one of the main reasons for the loss of tropical rainforests. The Netherlands is a major donor in the protection of tropical rainforests, but has no legally binding policy measures against the import of illegal timber. Illegal logging is related to the degradation of forests, loss of biodiversity, violations of human rights and organized crime. The 1991 Government Position on Tropical Rainforests clearly states that the Dutch Government will oppose illegal logging and trade in illegal timber, yet at the same time more than half of the timber imported into the Netherlands comes from high risk countries.

The arms trade remains an area of policy incoherence. The Netherlands is one of the world's biggest arms exporters. Most striking is the transit of arms through the Netherlands from NATO and EU members to third countries. Although the Government has not provided an export license to arms export to Israel since 2002, when it comes to transit, tons of ammunition, parts and other military goods find their way, notably through Amsterdam's Schiphol airport, despite the high risk of human rights violations.

<sup>4</sup> Letter to Parliament from the Minister of Foreign Affairs, 5 March 2007. Kamerbrief inzake Geannoteerde agenda van de informele bijeenkomst van Europese bewindspersonen verantwoordelijk voor ontwikkelingssamenwerking d.d. 12 en 13 maart 2007.

Additionally, almost a third of the global debt burden is from export credits. In the Netherlands around 23% of these export credits were used to guarantee arms exports.<sup>5</sup> Despite a government decision in 2007 not to further broaden the OECD-DAC criteria to security related expenditure, the level of aid is still inflated by the amount spent on cancellation of export credit debt. ■

<sup>5</sup> Based on calculations from the Campagne tegen Wapenhandel, 3 September 2007.