

# NETHERLANDS

Date of admission to UN: 10 December 1945.

## TREATIES AND REPORTS TO TREATY BODIES

### Land and People:

**The European part of the Kingdom of the Netherlands:** The core document prepared by the government (HRI/CORE/1/Add.66) includes statistical data and summary commentary on the form and branches of government and the legal framework for the protection of human rights. The commentary incorporates information on, for example, relevant laws and institutions, legal aid, compensation, states of emergency and responsibility for supervising the observance of human rights.

The framework for the protection of human rights is established by the Constitution and supplemented by various laws and institutions, including the Equal Treatment Act (1994) which explicitly prohibits discrimination, the National Ombudsman, which is an office independent of government, and the Legal Aid Act which is the basis on which the state-subsidized legal aid system functions. Compensation, rehabilitation and restitution are provided and restitution can be obtained during criminal proceedings, either before or during a trial. Victims who are unsuccessful in recovering compensation from the offender, insurance company or elsewhere may apply to the Criminal Injuries Compensation Fund which assists victims of crimes involving violence against the person. As well, there is a National Victim Support Association where victims of both summary and indictable offences may apply for, as examples, information and advice, emotional support, assistance to prepare petitions, accompaniment for visits to the police, public prosecutor's office, lawyers, the court, physician, and mediation. In terms of states of emergency the only legislation which infringes a fundamental right is the Media Act in which the Prime Minister is empowered, after consultation, to lay down regulations related to the content of radio and television programmes and the supervision of content during a period of national emergency. The degree to which international human rights law prevails in the Netherlands varies. In those cases where supranational or international law offers greater protection than national law the former prevails. National law prevails in cases where it affords greater protection than that set out in international law.

**The Netherlands Antilles:** The second core document prepared by the government (HRI/CORE/1/Add.67) contains information on the social and economic infrastructure, type of government, the legal system and the judiciary.

The Netherlands Antilles has governing bodies at both the central and island levels. The courts (ordinary and administrative) may review government action and legislation to ensure that they conform to relevant human rights instruments. Compensation for victims of rights violations is available under the provisions of the Civil Code (for damages caused to others) and the Code of Criminal Procedure (for damages caused by the offender). A victim may join criminal proceedings as an injured party and apply for damages. Claims for compensation of any tort are handled in the civil courts. Most of the

material rights set out in various human rights instruments are directly applicable and can be applied by the courts without additional or separate legislation. Provisions in treaties that stipulate which acts must be regarded as criminal and require prosecution under national law, however, are not directly applicable. Definitions of criminal offences set out in international instruments must be incorporated into national law before they can be applied at the domestic level. In addition to law, several institutions and mechanisms have been set up to reinforce the protection of human rights. These include but are not limited to the Police Conduct Complaints Committee and the Administrative Procedure Bill.

**Aruba:** The third core document prepared by the government (HRI/CORE/1/Add.68) contains information on various subjects including the economy and labour, education, health care, housing, the general political structure and the legal framework for the protection of human rights.

Aruba's system of government is that of a parliamentary democracy. The Queen is head of state and executive power is vested in the seven-member Council of Ministers and headed by the Prime Minister. The protection of human rights is set out in the Constitution as well as human rights treaties to which Aruba is a party in its own right, including the International Bill of Human Rights and various European rights instruments.

### Economic, Social and Cultural Rights

Signed: 25 June 1969; ratified: 11 December 1978.

The Netherlands' second periodic reports (E/1990/6/Add.11, E/1990/6/Add.12, E/1990/C/Add.13) have been submitted and are scheduled for consideration by the Committee at its November/December 1998 session; the third periodic report was due 30 June 1997.

*Reservations and Declarations:* Paragraph 1(d) of article 8.

### Civil and Political Rights

Signed: 25 June 1969; ratified: 11 December 1978.

The Netherlands' third periodic report was due 31 October 1991; the fourth periodic report was due 31 October 1996.

*Reservations and Declarations:* Paragraphs 2 and 3 of article 10; paragraphs 1, and 4 of article 12; paragraphs 3 (d), 5 and 7 of article 14; paragraph 2 of article 19; paragraph 1 of article 20; declaration under article 41.

**Optional Protocol:** Signed: 25 June 1969; ratified: 11 December 1978.

**Second Optional Protocol:** Signed: 9 August 1990; ratified: 26 March 1991.

### Racial Discrimination

Signed: 24 October 1966; ratified: 10 December 1971.

The Netherlands' tenth through 13<sup>th</sup> periodic reports were submitted as a single document (CERD/C/319/Add.2) which is scheduled for consideration at the Committee's March 1998 session; the 14<sup>th</sup> periodic report is due 9 January 1999.

### Discrimination against Women

Signed: 17 July 1980; ratified: 23 July 1991.

The Netherlands' second periodic report was due 22 August 1996.

*Reservations and Declarations:* Preambular paragraphs 10 and 11.