



Permanent Representation of
the Kingdom of the Netherlands
to the United Nations Office and
other International Organizations
in Geneva

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The Permanent Representation of the Kingdom of the Netherlands to the United Nations Office and other International Organizations in Geneva presents its compliments to the United Nations Office of the High Commissioner for Human Rights and has the honour to inform of the following.

With reference to OHCHR's request of 22 October 2015, with reference RRDD/HRESIS/JS/PO/CH/is, and subject "Human Rights Council Resolution A/HRC/29/2 on the Protection on the human rights of migrants: migrants in transit" and with apologies for the slight delay in submission , please find enclosed the requested information on migrants in transit for the Kingdom of the Netherlands.

The Permanent Representation of the Kingdom of the Netherlands to the United Nations Office and other International Organizations in Geneva avails itself of this opportunity to renew to the United Nations Office of the High Commissioner for Human Rights and the Committee on the Elimination of Discrimination against Women assurances of its highest consideration.

Geneva, 20 November 2015



United Nations Office of the High Commissioner for Human Rights
Palais Wilson
Rue de Pâquis 52
1201 Geneva

Questionnaire OHCHR on migrants in transit

General remarks :

The Netherlands is merely a country of destination for most migrants. All answers must be read in this context.

A. Does your country have laws, public policies or programmes, action plans or other relevant measures in place to ensure protection of the human rights of all migrants in transit? For example, including in the following areas:

a. Access to essential services in transit, such as health care and services, including sexual and reproductive health care;

All migrants in the Netherlands have the right and access to necessary health care. A health practitioner determines whether health care is necessary or not. Basic principle in the Netherlands is that people pay for the use of health care. Migrants are not excluded from this principle. For asylum seekers living in reception centres the government of the Netherlands have taken over this responsibility. For irregular migrants the health practitioners can ask the government of the Netherlands for reimbursement of the costs.

b. Protection from violence, including sexual and gender-based violence, as well as abuse and exploitation of migrants in transit by State and non-State actors;

In the Netherlands no distinction is made in the protection against violence and abuse of people residing in the Netherlands. Violence and abuse is not tolerated by the government. In case of criminal offences, offenders can and will be punished.

c. Specific measures to protect and ensure the best interests of all migrant children in transit, whether they are travelling on their own or with their parents/guardians;

All children in the Netherlands have the obligation to attend school. No distinction is made in migratory status. Unaccompanied minors are assigned a legal guardian. Reception centers are child friendly and for unaccompanied minors special reception facilities (foster families, reception in small groups) are available. Immigration officers that deal with children are specifically trained.

d. Rescue of migrants in distress at land, sea and air borders, provision of immediate assistance and referral to adequate services;

N/A

e. Alternatives to immigration detention and protection against arbitrary detention;

In the Netherlands immigration detention is always a means of last resort. People who have no (longer the) right to stay in the Netherlands have to leave the Netherlands. Assisted voluntary return is preferred over forced return. The Netherlands therefore offers all kinds of assistance for voluntary return and reintegration in the country of origin. If the migrant is not willing to leave the Netherlands forced return becomes an option. But even then detention is only used when a migrant can be returned within a short period of time and there is a fear of absconding.

f. Measures to ensure that any returns of migrants in transit are carried out in accordance with international law and standards, including the principle of non-refoulement and the prohibition of collective expulsion.

If return is the case the return will be carried out in accordance with international law, including the principle of non-refoulement. Basic principle for the government of the Netherlands is the own responsibility for return. The Netherlands tries to stimulate voluntary return through all kinds of assistance in return and reintegration.

B. Does your country (as a country of origin, transit and/or destination) have measures in place that ensure a human rights-based approach to the governance of transit migration? For example, including in the following areas:

- a. Governance of irregular migration, including the non-criminalisation of migrants in an irregular situation;

Migrants who enter the Netherlands in an irregular way and ask for asylum are assessed by the immigration service. During assessment of their asylum claim they will be offered reception (including health care, food, weekly allowances, etc.). All migrations who have no (longer) the right to stay in the Netherlands have to leave the Netherlands. When working on their return irregular migrants can be offered shelter. Basic health care is available for irregular migrants, and also education for minors.

- b. Measures to prevent and combat all forms of xenophobia, racism and religious intolerance against migrants;

Equal treatment of people, freedom of thought and religion, freedom of speech and so on are laid down in the constitution of the Netherlands and form the corner stone of our society. Racism and discrimination can be penalized by court. Special organisations are in place for the protection of human rights and equal treatment (the Netherlands Institute for Human Rights). Respect and tolerance are taught in school and lessons are given about the different cultures and religions in the Netherlands.

- c. Human rights-based approaches to border governance, including countersmuggling measures; *Dutch border guards are aware of the importance of fundamental rights within their tasks in border control. Special attention is given within their training. An example of a good practice in the Netherlands in the field of countersmuggling measures are the special teams of the Dutch border police on airports which have the special task of looking for signs of human smuggling and trafficking.*

- d. Data collection to monitor the situation of migrants in transit, including on the number of migrants killed, injured or victims of crime while attempting to cross international borders.
N/A