

NEWS REPORT

Date:	23 November 2011
Expert:	Rikki Holtmaat
Title:	Senate adopts bill to establish new Human Rights Institute
Country:	The Netherlands
Context	
Issue at stake:	Senate adopts bill to establish new Human Rights Institute
Ground of discrimination:	All
Source:	Parliamentary papers
Field:	All
Legislative provisions:	New legislation adopted

Content

On 22 November 2011, the First Chamber of Parliament (Senate) voted a bill that creates the (long awaited) National Human Rights Institute in The Netherlands. After a long history of lobbying among human rights organizations, the Dutch government promised the United Nations in 2006 that it would establish a National Human Rights Institute, in order to be in compliance with the so-called 1993 Paris Principles.¹ In 2010, the Dutch Government submitted a bill for the establishment of such an Institute to Parliament.² The main mission of the new Institute will be to monitor and evaluate human rights compliance in The Netherlands. The existing equality body, the Equal Treatment Commission (ETC)³ will be incorporated into this Institute. This means that all of the tasks of the ETC will be taken over by the new Human Rights Institute. The Institute will therefore continue to hear individual complaints about unequal treatment, to give advice and to investigate possible instances of discrimination on its own

¹ Principles relating to the Status of National Institutions Adopted by General Assembly resolution 48/134 of 20 December 1993; see

<http://www2.ohchr.org/english/law/parisprinciples.htm> Last accessed 23 Nov. 2011.

² In December 2009, the Government has sent a draft Bill to a number of organisations, among others the ETC, for comments. In Sept. 2010, the Bill was sent to Parliament. See TK 2009-2010, 32 467, nrs 1-5.

³ Besides the ETC, an organisation called Art.1 is also a designated equality body.

accord. The government in the beginning of 2011 has published a draft Decree for the organization equal treatment procedures within the new national Human Rights Institute.⁴ On top of that, the new Institute has the general purpose and task of promoting human rights and to investigate human rights violations, to give advice about improving the situation as regards the protection of human rights, et cetera. It does not have the competence and authority to hear individual complaints about human rights violations beyond the scope of the equal treatment legislation.

Several existing societal organizations, among which the National Ombud, the Body that Protects Personal Data Registration and the Chair of the Council for Jurisdiction, will be represented in the advisory board of the new Institute. In addition to the 9 members of the old ETC, 3 new members will be selected to be the 'commissioners' of the new Institute. In terms of budget and staff, there will also be an extension.⁵ The new Institute will be located in Utrecht, at the premises of the current ETC. The Dutch Human Rights Institute will be officially opened in 2012.

Internet link source and additional information:

The latest developments can be found at <http://www.naarenmensenrechteninstituut.nl/10/home/> (last accessed on 23 Nov. 2011.)

⁴ An internet consultation for this Draft Decree was opened on 24 January 2011. See <http://www.internetconsultatie.nl/onderzoekelijkebehandeling> (last accessed on 28 Febr. 2011.)

⁵ Figures about budget and staff that will be allocated to the new functions of the Institute are not yet available to the author of this report.