

Strategic plan 2016 - 2019

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1 Introduction

Guaranteeing human dignity and respecting human rights is key to a democratic state and substantiates individual freedom and mutual respect. The Netherlands Institute for Human Rights is tasked with championing human rights and ensuring compliance with the law.

Working on the basis of a vision and mission (Chapter 2) and on the basis of its legal tasks and international obligations (Chapter 3), the Institute has set out its strategic priorities for the coming four years (Chapters 5 to 8). This takes place in the context of an assessment framework (see Chapter 4). The establishment of strategic priorities takes into account an analysis of social developments and continuous monitoring of the human rights situation by the Institute, on the one hand, and input from stakeholders via, among other things, internet consultation and consultations with the Advisory Council at the Institute, on the other.

The first Strategic Plan for the Institute related to the period 2012-2015. This second plan covers the period 2016-2019. Every year, when the Institute draws up its Annual Plan, a check is made as to whether the Strategic Plan must be amended.

2 Vision, mission and identity

Vision

The Institute is working towards a situation in the Netherlands in which

- people can be sure that their fundamental human rights and freedoms will be respected;
- there is a culture of respect for human rights;
- everyone can take part in society freely and in a dignified manner, unhindered by prejudices and discrimination, and
- everyone is able to develop their own potential.

The Institute also aims to ensure that

1. human rights are assured via policy, legislation and regulations.
2. breaches of human rights by the government and third parties are prevented or corrected.
3. all persons in the Netherlands understand their rights and freedoms and those of others and are able to enjoy them in practice.
4. the government, parliament, organisations and individuals take active responsibility when it comes to human rights.
5. the Institute is recognised as the competent authority with respect to human rights in the Netherlands.

Mission

The Netherlands Institute for Human Rights explains, monitors and protects human rights, promotes respect for human rights (including equal treatment) in practice, policy and legislation, and increases the awareness of human rights in the Netherlands.

Identity

1. The Institute is independent. It sets its own agenda and communication, and carries out tasks independently of the government, civil society and other organisations.
2. The Institute collaborates with others. It independently seeks out long-term connections with civil society, science and the government.
3. The Institute is accessible. It seeks out dialogue in order for organisations and individuals to make their opinions public.
4. The Institute is fearless. It is forceful and operates in an honourable manner.
5. The Institute is transparent. Research, recommendations, assessments and other reports are made public. The website and annual reports clarify what the Institute does.
6. The Institute is open to criticism and is accountable for its errors.
7. The Institute only gets involved if its work adds value.
8. The Institute is active but impartial in the social (public) debate. It actively provides information about what human rights are and how they can be realised. The Institute sheds light on fields of tension between human rights and other social issues, and the corresponding focus points.

3 Tasks, organisation and resources

On the basis of the law,¹ the Institute has the following tasks:

1. Investigating and/or assessing, upon request, whether distinctions have been made in relation to equality, according to the law.
2. Conducting research into protecting human rights.
3. Reporting on and making recommendations regarding the protection of human rights, including annual reporting to parliament and the government on the human rights situation in the Netherlands.
4. Providing advice upon written request or on own initiative, to the government, parliament or executive bodies on law and legislation that has a direct or indirect impact on human rights.
5. Providing information on human rights.
6. Stimulating and coordinating education on human rights.
7. Stimulating research into human rights.
8. Structural cooperation with social organisations and national, European and international institutes by means of organising activities in cooperation with social organisations.
9. Stimulating the ratification and implementation of and compliance with conventions on human rights and the elimination of barriers to these conventions.
10. Stimulating implementation of and compliance with binding directives by public law organisations regarding human rights.
11. Championing compliance with European or international recommendations on human rights.

With the exception of the first task (assessing equal treatment), the Institute's mandate also expressly relates to the Caribbean Netherlands: Bonaire, Sint Eustatius and Saba.

The Institute will gain a further task when the Netherlands ratifies the Convention on the Rights of Persons with Disabilities (CRPD). The Institute will then take on the role of monitoring (see Chapter 10).

With the creation of the Institute, the Netherlands has fulfilled UN resolution 48/134². This resolution contains assurances for the independence of and recommendations concerning the role, composition, status and functions of national human rights bodies, the so-called *Paris Principles*. Both the law and the Netherlands Institute for Human Rights have been drafted/created on the basis of these principles. In 2014, the Institute was awarded A-status by the International Coordinating Committee for national human rights institutions (ICC); this constituted international recognition that the *Paris Principles* are being fulfilled.

The Netherlands Institute for Human Rights is an autonomous authority. The Institute comprises (maximum) 12 independent members, that are appointed by the Crown. The Institute is currently functioning with 9 members. It is supported by an office that employs around 50 FTE. The employees are civil servants, contracted to the Institute.

The Institute started in 2012 with a budget of 6.4 million. Cutbacks mean that this has been reduced to 5.5 million in 2016. If policy remains unchanged, the budget of the Institute in the planning period will reduce further to 5.2 million in 2019. In order to carry

¹ Netherlands Institute for Human Rights Act, 24 November 2011

² Resolution 48/134 of the General Assembly of the United Nations, 20 December 1993.

out its monitoring function for CRPD, the Institute received 0.5 million from the Ministry of Health, Welfare and Sport in 2016.

The financial evaluation of the Institute, which was conducted in 2015, demonstrated for the situation in 2014 (with a budget of 5.8 million), that the financial resources, available for the execution of the tasks across the board of human rights, partly as a result of consecutive, state-wide cutbacks, had reached a minimum level. Shrinking budgets and rising costs are increasingly limiting the extent to which the Institute can realise its mission and comprehensively carry out its tasks.

4 Assessment framework

The Institute chooses to carry out all of its primary tasks across the full breadth of human rights. However, due to the limited resources, the Institute cannot respond to every signal, request or development. The Institute must therefore make choices. It therefore uses an assessment framework that helps it decide which topics should be picked up and which prioritised. This assessment framework is applied to the day-to-day working methods, but also when drawing up annual plans and this strategic plan.

There are essentially five criteria in the assessment framework:

1. severity
2. added value
3. support
4. well-founded judgement
5. result.

The Institute tends to focus on specific topics such as:

1. There could be a significant or structural disadvantage, and the groups involved are insufficiently organised;
2. The business of other parties is lacking attention and/or the Institute is expected to be able to provide a valuable contribution;
3. Action on the relevant matters could substantially contribute towards expanding knowledge and understanding of human rights in society;
4. The Institute can base the views it forms, possibly after a factual investigation, on rights and obligations whereby content is clear or if the Institute is the appointed organisation for championing the development of standards;
5. The Institute can make a cost-effective contribution towards resolving a human rights problem.

From the basis of many human rights issues, the assessment framework has allowed a few strategic themes to be chosen; the Institute will work proactively, in the long-term and on a programme-basis on these topics over the planning period. This concerns the following themes:

1. Human rights education
2. Discrimination and stereotyping in the labour market
3. Human rights on a local level: participation or exclusion?
4. Monitoring the Convention on the Rights of Persons with Disabilities (CRPD).

This choice of strategic themes does not mean that previous themes from the strategic plan 2012-2015 will be forgotten. The Institute remains active with respect to these themes too. In particular, the theme that became very current in the second half of 2015, i.e. migrants and refugees, will be paid a great deal of attention by the Institute. In terms of day-to-day tasks, legal work (such as assessments, explanations, reports and recommendations) is also prioritised. Relevant, up-to-date developments could also become concrete tasks for the Institute as a result of the assessment framework. The short-term planning and elaboration of the strategic themes takes place within the Institute's year plan.

5 Human rights education

It is the Institute's mission to raise awareness of human rights in the Netherlands in order to guarantee that they are respected and that there is compliance. Research into the experience of human rights in the Netherlands has reiterated the need for this mission³. This showed, among other things, that in 2015 42% of Dutch people could not name a single human right, an increase compared to 38% in the survey in 2011. It is disconcerting that the level of knowledge is lower among younger people than it is among older people. What is especially shocking is that one in ten Dutch people believe that human rights should not apply to refugees and that another quarter do not disagree with this or have no opinion. We live in a period in which huge numbers of people are fleeing the violence of war and seeking refuge in countries including the Netherlands. This is taking place in a context of increasing terror threats and the increased risk of jihadism. This makes it more important than ever for the Institute to work on ensuring that all Dutch people realise that human rights apply to everyone and raising awareness of the values that form the foundations thereof.

In order to realise its mission, it is the Institute's ambition that human rights education is structurally embedded in general education. Human rights education must not therefore focus solely on expertise but also on attitudes and skills. The Institute has established, partly due to the autonomy of schools, that there is political reticence when it comes to forcing human rights education into the curriculum. That is why the Institute, in the last planning period, began working on projects in the context of primary, secondary and further vocational education. These projects aim to work bottom-up, with schools, on strengthening the focus on human rights education in general education. As well as schools, the Institute is also cooperating with educational organisations, professional bodies, educational publishers and NGOs. The Institute functions as a motivator and coordinator, a role that fits perfectly into its mission, tasks and expertise. The projects mentioned will be continued by the Institute.

In the coming years, the Institute will also work on the area of human rights education for professionals. The aim of this is that professionals recognise and acknowledge the fundamental nature of human rights standards and can connect these into their profession. It is only when people realise that human rights are the issue, that breaches or the risk thereof can be spotted in good time and flagged up effectively.

Human rights are an important norm framework for many professional groups. Within healthcare, for example, people often deal with the right to care, privacy and physical integrity. In the judicial chain, this primarily concerns the right to freedom, physical integrity and a fair case. Nevertheless, many people working in these sectors are not aware of the special nature of these norms and the concrete consequences that correspond to their professions. By making human rights more accessible to professionals too, the Institute is stimulating compliance with these rights in practice. The Institute shall play the role of advocate and coordinator in this context too.

The Institute will conduct investigations into the needs of human rights education for employees who care for the elderly, municipal civil servants and psychologists, among others. The target groups are very diverse and all have different needs. Inventorying these needs will enable the Institute to formulate focussed and relevant results. The Institute will then, in consultation with the relevant target groups, outline the appropriate human

³ *Human rights in the Netherlands - public measurement 2015*, Motivaction, Amsterdam, 2015

rights framework and the corresponding consequences. A customised action plan will then be formulated for each target group.

Finally, the Institute will its efforts to bring the issue of human rights more firmly under the spotlights among the wider Dutch public, and in a different and more in-depth manner than the publicity campaigns so far. The aim is that everyone, as an individual in society, will learn to recognise the principles of freedom and human rights norms, questions and bottlenecks, and be able to relate to the (in)ability of people to shape their own lives in the Netherlands. What is required to realise the human rights of everyone in the Netherlands? And what can jeopardise this realisation?

There is a possibility that the Institute, for example, could collaborate with partners in an interactive exhibition. This would then tour the Netherlands and visit one city every month for two years. This type of exhibition not only clarifies exactly what human rights are, but also focuses on the specific local situation. This exhibition must function as the central cog in terms of generating media coverage, both via the press and local or regional broadcasters. The Institute will investigate the options via dialogue with a large number of potential partners.

6 Discrimination and stereotyping in the labour market

Discrimination and stereotyping in the labour market are structural and serious problems, that have far-reaching consequences for other human rights, such as the right to work, the right to a decent standard of living and human dignity. The Institute receives many signals from society about this form of discrimination. A great deal of political attention is also paid to labour market discrimination and there is broad (party) political support for tackling this issue. This is clear from, among other things, Parliamentary questions, the SER recommendation 'Discrimination doesn't work' and the SZW's Action Plan on Labour Discrimination that was recalibrated in 2015. With its many years of expertise, gained from previous activities and investments (such as stereotype training, recommendations, assessments and the campaign about discrimination re access to work and work-placements on the grounds of surname and head-covering), this Institute can offer genuine added value in this context.

The Institute will further substantiate this theme of discrimination and stereotyping in the labour market in a programme-based manner for the duration of this strategic plan. In the first instance, the programme will focus on tackling discrimination and stereotyping on the (intersectional) grounds of race and religion with respect to accessing the labour market. The Institute particularly concentrates on routes and access to the labour market as this could correspond to a so-called 'barrier effect' for groups that inhabit different social domains, also outside the labour market, in the form of discrimination and exclusion. There are two distinct themes in this context.

1. Encouraging people to access the labour market; focussing on discrimination and stereotyping in relation to work-placements and training opportunities in vocational training (secondary/higher vocational education).

Not being able to find a work placement means an unfinished course and no certificate, no starter-qualification and no chance of an easy step to your first job (access to the labour market). This results in a lower chance of (appropriate) work and income from work. Discrimination and stereotyping in relation to work placements therefore have consequences for education as well as the right to work.

The reality of the problem has been indisputably proven by research: secondary and higher vocational students with a migrant background find it significantly harder to find work placements than students who come from the Netherlands. The Institute will work on the implementation of an equal treatment strategy which connects into the obligations of educational establishments, training companies and employers in order to tackle and prevent discrimination. The relevant stakeholders will be mobilised and asked to make a commitment, e.g. secondary/higher vocational education Boards, placement coordinators, students/youth organisations, such as JOB, employer organisations and (training) companies specifically in the SME sector as this plays a significant role in secondary education work placements. The ultimate goal of this theme is to ensure the equal treatment standard, discrimination ban and the right to education are applied much more effectively, and that students, irrespective of their ethnic background or religion, can access work placements.

2. Access to the labour market, focussing on discrimination and stereotyping in new methods of recruitment and selection.

Little is known about the workings and risks of using new (online) selection methods, such as speed dating, video pitches or social media. These methods are proving very popular and offer masses of space for stereotypical views being formed. 'Anonymous applications'

are increasingly being used as a new instrument in order to prevent stereotypical prejudices being formed about groups during recruitment and selection campaigns. Anonymous applications were introduced in 2015 by the municipalities of the Hague and Utrecht and the FNV urged further pilots at the end of 2015.

The workings, (side) effects and risks of old and new selection methods and instruments will be charted and checked in more detail. This will take place with the help of new research into discrimination mechanisms and opinion-forming, set forth in literature since 2013 and conversations with experienced selectors and applicants who have experienced discrimination. The experiences with anonymous applications in practice will also be examined. This update will lead to the development of practical information about the workings, limitations and risks of traditional and new selection methods.

The Institute will actively approach employers, unions and sector organisations for labour mediators, in order to disseminate information. The Institute will thus clearly highlight that it is important for works councils to be involved too. The existing training offered by the Institute will be evaluated and amended.

The ultimate aim in relation to this theme is that the equal treatment standard and the right to work are applied/realised more effectively.

For the period 2017-2019, the Institute will look at whether changes or supplements in terms of priorities for the theme are desirable and/or possible. This could lead to the addition of other grounds, target groups and labour process elements. When making choices, the Institute works on the basis of planned progress reports from the Action Plan labour market discrimination (SZW).

7 Human rights on a local level: participation or exclusion?

As of 1 January 2015, municipalities have had important tasks in relation to youth assistance, social support and labour participation. This provides opportunities to municipalities and citizens to focus on human rights but also presents municipalities with massive challenges. In mid-2015, there were many worrying signs in relation to limited access to care, including care for the elderly, children and youngsters who needed help and people with psycho-social limitations, the way in which municipalities deal with sensitive, private information and social exclusion.

The aim of this programme is to ensure that municipalities protect, champion and realise human rights in the execution of their tasks and the responsibilities they have with respect to care and social support. In order to realise the goal, the Institute will actively encourage municipalities to apply the human rights framework within their policy and the government to play its own coordinating and supervisory role.

The Institute is thus building on previous activities, particularly those carried out within the 'Decentralisation' project and the 'Care for the Elderly' programme. Guaranteeing that municipalities will comply with human rights obligations when developing, implementing and applying policy requires further clarification of human rights standards for this domain. A large part of this covers economic, social and cultural rights. Clarification and substantiation is necessary for policy-makers, entitled persons and those who monitor the borders of human rights, such as legal aid assistants and the judiciary.

This task is ideal for the Institute. There is no other organisation that works on this level to monitor and champion economic and social human rights, along with the corresponding civil rights and political rights. In addition, the Institute also works on improving the position of various groups, while keeping an eye on the diversity within therein.

The Institute's approach comprises four elements.

1. The Institute will initially review literature and conduct practical interviews in order to gain an insight into the nature and scope of the problem. Who are most vulnerable, which problems do they encounter, what are the causes of exclusion and what is required to help them?
2. The Institute will contribute towards more effective local guarantees in relation to economic, social and cultural human rights. The Institute will do so by means of further elaborating the BAAT Framework in specific areas such as care of the elderly and social participation. BAAT stands for (the Dutch words for) Availability, Acceptability, Adjustability and Accessibility, four concepts that must be guaranteed by local policy. The aim is to substantiate this to such an extent that local authorities are clear on their obligations and know what they have to do to fulfil them. Providing insights into human rights norms provides the Institute with information on the (boundaries) of municipalities' policy freedom. On this basis, the Institute will research whether it is possible to develop a *Human Rights Impact Assessment* (HRIA) that will help local policy-makers include human rights in the formulation of policy, and check the (proposed) impact on human rights. During development, the Institute will utilise the expertise and experiences that have been gained with HRIA instruments elsewhere, particularly by the Scottish national human rights institute. If the research offers adequate insights into plausible execution, the Institute will then endeavour to test a *pilot*-version of an HRIA instrument in the coming years, on one or more policy areas.

3. The Institute will encourage the application of the human rights framework by providing information to and collaborating with municipalities, United Dutch Municipalities (VNG) and interested parties. The Institute will also focus on strengthening checks on compliance with human rights obligations via the relevant committees on a local level (aldermen, local councils, etc). Furthermore, the Institute will promote knowledge among lawyers and the judiciary on the human rights perspective in legal cases that relate to the tasks of the local authority in social domains.

4. Central government is ultimately responsible for protecting human rights in the Netherlands, even though municipalities have significant responsibilities in this regard; they must thus be able to demonstrate compliance with human rights obligations in practice at an international level. The Institute will ensure that central government plays its own motivational, coordinating and supervisory role, and that it takes ultimate responsibility for human rights policy. The Institute thus contributes towards better understanding of the 'systematic responsibility' of the Government for protecting and championing human rights, even if the actual execution of the tasks is passed to municipalities.

Ultimately, this programme would like to realise the following. Relevant actors, such as politicians and policy-makers at the level of local and central government, but also those who carry out the actual tasks, have greater knowledge about and apply a human rights perspective in terms of both policy and the reality of execution in the social domains. The BAAT framework will be expanded into a quality instrument that will be applied by local governments and others as the benchmark for policy and the reality of implementation. The government recognises and applies the (elaborated) BAAT framework as an instrument.

8 Monitoring CRPD

Over the course of 2016, the Netherlands is expected to ratify the Convention on the Rights of Persons with Disabilities (CRPD). The Institute will take on the function of monitoring body in this context. Preparations for this were started in mid-2015. For the CRPD monitoring role, the Institute has drafted separate strategic and annual plans. Monitoring activities will be financed by the Ministry of Health, Welfare and Sport.

The underlying aim of the creation of a supervisor is to ensure the inclusion of persons with a disability in the Netherlands. The aim of the supervisory body is to champion implementation of the UN Treaty in the Netherlands, and to protect and monitor it pursuant to article 33.2 of the treaty.

On the basis of the assessment framework, the results of a bottleneck investigation and an examination of the people with physical disabilities, the following topics have been chosen as the themes for the first few years:

- Accessibility (physical environment, transport, public opportunities, information and communication methods).
- Labour (with particular focus on people with a physical disability)
- Education (with particular focus on people with a physical disability)
- Becoming independent.

In order to gain an oversight into the state of play in terms of the treaty's implementation, the Institute will conduct monitoring on three levels. Monitoring will take place with respect to the law and regulations: do laws and policy fulfil CRPD norms? Secondly, the Institute will look at structures: which organisations must be involved in the implementation of the treaty and how do they execute this task? Finally, the Institute will review the situation of persons with a disability. How will the inclusion of persons with a disability work? Monitoring will take place on the basis of indicators for several norms from CRPD. These indicators will be developed and expanded over time.