

Contribution to European Commission's Rule of Law report

2025



UNITED NATIONS
HUMAN RIGHTS
Regional Office Europe

RULE OF LAW & HUMAN RIGHTS

The 'rule of law' is a concept at the heart of the United Nations' mission. It refers to a principle of governance which is consistent with international human rights standards ([S/2004/616](#)). There is no rule of law within societies if human rights are not protected and human rights cannot be protected in societies without a strong rule of law. This interlinkage is reiterated by the UN Secretary-General in his [New Vision for the Rule of Law](#): *"Human rights and the rule of law are mutually reinforcing – the advancement of the rule of law is essential for the protection of all human rights, and human rights are central to the rule of law."*

The Office of the UN High Commissioner for Human Rights (OHCHR), also known as UN Human Rights Office, is mandated by the UN General Assembly to promote and protect the enjoyment and full realization, by all people, of all human rights. As part of its mandate, OHCHR works to mainstream human rights to strengthen the rule of law ([Management Plan 2024 - 2027](#)).

Established in 2009, OHCHR Regional Office for Europe (ROE) aims to advance the protection and promotion of human rights in the European Union and its member States. ROE works to mainstream international human rights standards to strengthen the rule of law in the EU by engaging in and contributing to the European Commission's Rule of Law Report. ROE furthermore promotes the UN human rights mechanisms and processes by giving their work visibility at the regional level.

OHCHR ROE'S CONTRIBUTION

The contribution by OHCHR Regional Office for Europe (ROE) is grounded in the Universal Declaration of Human Rights and nine international human rights treaties:

- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
- Convention on the Rights of the Child (CAT)
- Convention on the Rights of Persons with Disabilities (CERD)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)

The current submission consists of a compilation of findings and recommendations contained in reports of UN international human rights mechanisms including human rights treaty bodies, special procedures and the Universal Periodic Review of the UN Human Rights Council. It also includes statements and reports by the UN High Commissioner for Human Rights and his Office.

UN HUMAN RIGHTS MECHANISM

Each of the nine international human rights treaties creates a **human rights treaty body or committee of independent experts** to monitor the implementation of the provisions of the treaty. With the support from OHCHR, the treaty bodies:

- consider reports submitted by State parties detailing how they are implementing the treaty;
- adopt general comments interpreting the treaty provisions, and organize discussions on themes related to the treaties; and
- consider complaints (communications) from individuals alleging that their rights have been violated by a State party, provided that the State has accepted the complaints procedure.

The **UN Human Rights Council (HRC)** is a subsidiary body of the UN General Assembly and the main intergovernmental body within the UN responsible for human rights. It meets at the UN Office at Geneva in three regular sessions each year, and may convene special sessions to respond to urgent human rights situations. The HRC benefits from substantive, technical, and secretariat support from OHCHR.

The **special procedures of the UN Human Rights Council** are independent human rights experts with mandates to report and advise on human rights from a thematic or country-specific perspective. As of November 2024, there are 46 thematic and 14 country mandates. With the support of OHCHR, special procedures undertake country visits, act on individual cases of alleged violations and concerns of a broader nature by sending communications (letters of allegation) to States and other entities; contribute to the development of international human rights standards; and engage in advocacy.

The **Universal Periodic Review (UPR) of the UN Human Rights Council** is a State-led mechanism that conducts a peer review of the human rights situation of each UN Member State once every 4.5 years. It is carried out by the UPR Working Group of the Human Rights Council. In each review, the State under review reports on the actions it has taken to improve its human rights situation and overcome challenges to the enjoyment of human rights. It also receives recommendations from UN Member States for improvement. In addition to the national reports of States under review, the UPR is informed by compilations of stakeholder information and United Nations system reports.

In recent years, States have established **National Mechanisms for Implementation, Reporting and Follow-up (NMIRF)**, some of whom with the technical assistance of UN Office of the High Commissioner for Human Rights (OHCHR). This mechanism, which is often based within the ministry of foreign affairs, has a mandate which includes following-up on all treaty body obligations, UPR recommendations, as well as recommendations from other international and regional human rights mechanisms, and generally works closely with government ministries, national human rights institutions and civil society organizations. (See: [National Mechanisms for Reporting and Follow-up: A Study of State engagement with International Human Rights Mechanisms](#); [A Practical Guide to Effective State Engagement with International Human Rights Mechanisms](#))

The **Office of the UN High Commissioner for Human Rights (OHCHR)** also known as **UN Human Rights Office** is the main human rights entity of the UN to protect and promote all human rights for everyone everywhere. The High Commissioner for Human Rights leads OHCHR. He is the principal human rights official of the United Nations.

INSIDE THE CONTRIBUTION NETHERLANDS*

*The international human rights bodies address Netherlands and also the Caribbean part of the Kingdom of the Netherlands

- Period of contribution: January - December 2024
- Contents of contribution:
 - The Committee on Rights of Persons with Disabilities (CRPD) adopted its concluding observation on the Netherlands on 30 August and the report ([CRPD/C/NLD/CO/1](#)) was published on 27 September 2024.
 - The Special Rapporteur on right to adequate housing visited the Netherlands from 11 to 21 December 2023. At the end of the visit, the Special Rapporteur shared a [preliminary statement](#) and subsequently, published the official report ([A/HRC/55/53/Add.1](#)) at the 55th session of the UN Human Rights Council (26 February - 5 April 2024).
- Forthcoming relevant information (January - May 2025): N/A
- Resources:
 - [Rule of Law in Europe | OHCHR](#)
 - OHCHR country page - [Netherlands](#)
 - [Universal Human Rights Index \(UHRI\)](#) allows you to explore over 230.000 observations and recommendations made by the international human rights protection system (treaty bodies, special procedures and the Universal Periodic Review)

Pillar I: JUSTICE SYSTEM

There is no true respect for the rule of law without a judicial power guaranteeing compliance therewith. Judges guarantee compliance with laws and with it the reality of democratic coexistence. The duty to promote equality among all persons, especially to ensure that everyone has the right to access justice on an equal basis with others, rests with the judiciary. Guaranteeing access to justice is indispensable to democratic governance and the rule of law, as well as to combating inequality and exclusion.

Respecting the rule of law through fostering the separation of powers and the independence of justice ensures protection of human rights. The judiciary is the ultimate guarantors of human rights. However, at the same time, judges, prosecutors and lawyers are subject to attacks and violations of their rights, including threats, intimidation, external interference in conducting their professional activities, arbitrary detention, prosecution, and killings. These attacks threaten the impartiality and independence of the judiciary and the legal profession and in turn, deter their role as guarantors of human rights and the rule of law.

For more info:

- [Basic Principles on the Independence of the Judiciary](#)
- [Human rights in the administration of justice: a manual on human rights for judges, prosecutors and lawyers](#)
- [International principles and guidelines on access to justice for persons with disabilities](#)
- [General Recommendation No. 33 on women's access to justice \(CEDAW/C/GC/33\)](#)
- [Special Rapporteur on the independence of judges and lawyers](#)

Accessibility of courts

- The Committee on the Rights of Persons with Disabilities is concerned about the barriers to access to justice for persons with disabilities, in particular:
 - (a) Restrictions on the legal capacity of persons with disabilities, in particular persons with disabilities under guardianship or other forms of substituted decision-making regimes;
 - (b) The limited accessibility of many courthouses and the limited accessibility of legal proceedings before judicial and administrative bodies, in particular for persons with hearing impairments;
 - (c) The high costs of legal aid and court fees, which impede access to justice for persons on low incomes, such as persons with disabilities who rely on benefits;
 - (d) Complex appeals procedures and a lack of accessible information. ([CRPD/C/NLD/CO/1, para. 31](#))
- The Committee recalls the International Principles and Guidelines on Access to Justice for Persons with Disabilities, prepared in 2020 by the Special Rapporteur on the rights of persons with disabilities and the Special Envoy of the Secretary-General on Disability and Accessibility and endorsed by the Committee, and target 16.3 of the Sustainable Development Goals and recommends that the State party:
 - (a) Repeal legislation that restricts the legal capacity of persons with disabilities in judicial and administrative proceedings and guarantee their access to justice on an equal basis with others, including throughout judicial and administrative proceedings;
 - (b) Ensure access to judicial and administrative facilities for all persons with disabilities, including through universal design, and the provision of alternative and augmentative means of information and communication, such as Braille, sign language, accessible digital formats, Easy Read, audio description and video transcription, throughout legal proceedings;
 - (c) Take the measures necessary to ensure that economic barriers do not impede access to justice, in particular for individuals reliant on disability benefits;

- (d) Render legal procedures disability- and gender-responsive, ensure that persons with disabilities have access to clear, accessible information and adequate legal assistance and establish a central point for tailored advice and support to help them to navigate the complexities of the legal system and exercise their rights effectively. ([CRPD/C/NLD/CO/1, para. 32](#))

Pillar II: ANTI-CORRUPTION

Corruption has a destructive effect on State institutions and it undermines the functioning and legitimacy of institutions and processes, the rule of law and ultimately the State itself. In particular, corruption effects on the capacity of States to respect, protect and fulfil human rights particularly of those persons and groups in situation of vulnerability and marginalization.

Corruption pose a major challenge to many societies as they divert public revenues and cripple public budgets that should provide healthcare, housing, education, and other essential services, they undermine States' ability to meet their minimum core obligations and their pre-existing legal obligations to maximize all available resources to respect, protect and fulfil human rights.

For more info:

- [Corruption and human rights | OHCHR](#)
- [OHCHR Key messages on the negative impact of corruption in the enjoyment of human rights](#)

There is no relevant information under this pillar for the coverage period.

Pillar III: MEDIA FREEDOM

Free, independent, plural and diverse media are a core component of the right to freedom of expression, a cornerstone of democratic societies and plays an essential role in strengthening the rule of law. Journalists and the media are crucial to ensure transparency and accountability for public and governmental authorities.

For more info:

- [OHCHR and the safety of journalists and the issue of impunity](#)
- [Special Rapporteur on freedom of opinion and expression](#)
- [General comment No.34 on Article 19: Freedoms of opinion and expression \(CCPR/C/GC/34\)](#)

There is no relevant information under this pillar for the coverage period.

Pillar IV: CHECKS AND BALANCES

Civic space is the environment that enables civil society to play a role in the political, economic and social life of our societies. In particular, civic space allows individuals and groups to contribute to policy-making that affects their lives, including by: (1) accessing information; (2) engaging in dialogue; (3) expressing dissent or disagreement, and (4) joining together to express their views. An open and pluralistic civic space that guarantees freedom of expression and opinion as well as freedom of assembly and association, is a prerequisite for making development and peace sustainable.

For more info:

- [OHCHR and protecting and expanding civic space](#)
- [Special Rapporteur on human rights defenders](#)
- [The Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms](#)

Independent authorities

- The Committee on the Rights of Persons with Disabilities acknowledges that the State party's national human rights institution has been awarded A status and is compliant with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles). However, the Committee notes with concern:
 - (a) The lack of a systematic method of coordination among the various focal points that the State party has established to implement the Convention;
 - (b) The lack of mechanisms to ensure the involvement of persons with disabilities, through their representative organizations, from the Caribbean part of the Kingdom of the Netherlands in monitoring the implementation of the Convention. ([CRPD/C/NLD/CO/1](#))
- Recalling its guidelines on independent monitoring frameworks and their participation in the work of the Committee, the Committee recommends that the State party, with the active involvement of and in close consultation with persons with disabilities, including women and children with disabilities, through their representative organizations:
 - (a) Establish a systematic method of coordination among the various focal points established to implement the Convention;
 - (b) Develop mechanisms to ensure the full and effective involvement and participation of persons with disabilities, through their representative organizations, in the Caribbean part of the Kingdom of the Netherlands in monitoring the implementation of the Convention. ([CRPD/C/NLD/CO/1](#))
- In his country visit report, the Special Rapporteur on adequate housing noted the limited competency of the National Ombudsman. In the face of these multiple challenges, there has been a recent effort to improve the functioning of housing associations, including through oversight by the Authority for Housing Associations over financial activities of housing associations, new construction and sustainability targets and new European Union-wide built environment and energy transition plans. The Special Rapporteur welcomes these efforts, but remains concerned about the lack of adequate substantive oversight, transparency and accountability, including access to effective remedies from housing associations. The current inability of the National Ombudsman to receive complaints against housing associations, is a telling example of that lack of accountability. ([A/HRC/55/53/Add.1, para. 26](#))
- The Special Rapporteur calls on the Kingdom of the Netherlands to take the following measures on National Ombudsman ([A/HRC/55/53/Add.1, para. 67](#)):

- (a) Authorize the National Ombudsman to receive complaints from residents of social housing and ensure adequate oversight of social housing associations through appropriate mechanisms;
- (b) Mandate mediation and increase the capacities of ombudsman institutions at the local level to mediate social housing disputes;