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Written statement* submitted by Associazione Comunita Papa Giovanni XXIII, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2023]

* Issued as received, in the language of submission only.



On the Universal Periodic Review of the Netherlands and the Universal Periodic Review of Brazil

Associazione Comunità Papa Giovanni XXIII (APG23) appreciates the efforts made by all countries involved in the UPR reviews and commends in particular the Governments of the Netherlands and Brazil for their constructive participation in this cycle of the UPR process.

APG23 has been present in the Netherlands since 2006, running different projects and initiatives, specifically in Boxtel.

Concerning the right to life, sadly, the incidence of euthanasia is high and rising year by year. In the Dutch system, there are commissions which are responsible for monitoring the application of the law on euthanasia, but their effectiveness is widely questioned. Investigations of possible abuse are known in the Netherlands and come from various sources. In this regard, APG23 recommends to the Government investigate possible overuse and/or abuse of access to euthanasia with independent, accurate and sufficiently detailed data collections and adopt legislative measures to better protect the right to life in particular of all categories of people more fragile and exposed to suffering, and development of the so-called palliative care.

For what regards the right to adequate housing, APG23 has noted how the housing crisis is getting worse. Prices continue to rise and the homeless population has grown by more than 70% in the past decade. Major cities of the Netherlands have been facing an acute housing crisis marked by higher rents, skyrocketing property prices, evictions and homelessness. However, in recent years, housing construction production has halved, a large number of social housing units have been put up for sale in the private sector and hundreds have been demolished. In this regard, APG23 recommends that the Government adopt a public housing policy to guarantee decent housing for the indigent and homeless, and subtract housing sales from the profit motive of the private sector by discouraging top-selling auctions that favour the richest.

Regarding the rights of the Roma and Sinti communities living in the Netherlands, APG23 has dealt with families settled in small nomadic camps located on the outskirts of Boxtel, Sint-Oedenrode, Son en Breugel and Best since 2013. The association commends the establishment, in 2021, of a National Coordinator against Discrimination and Racism (NCDR) and of a National committee against discrimination and racism. We believe that it is important to ensure that the Roma population can in any case continue to live in nomadic camps and thus preserve its traditions and identity. Municipalities too often try to dismantle camps but pay little attention to the maintenance and modernisation of those that continue to exist. When Roma and Sinti families agree to move into conventional accommodation, it is essential to respect their differences without forcing them to homogenise or over-incorporating them. Furthermore, the camps are mostly located on the outskirts of large cities, in totally isolated areas, where it is very difficult to access public services and infrastructure; this contributes to Roma's isolation from the rest of the world. In this regard, APG23 recommends the Government to provide effective housing support for Roma, Sinti and Travellers with tools that respect their cultural identity, and tools for renovation of their current places of stationing.

Furthermore, meeting first-hand with migrants currently living and working in the Netherlands, APG23 has had a chance to witness the working conditions that they are subject to, with shifts from 12 to 14 hours per day, in addition to temporary contracts, low wages and very bad housing conditions. Moreover, APG23 has witnessed the controversies of the Flexibility and Security Act (1999), especially, in the form of the "agency labour contract", a type of contract that generates a condition of precariousness at work. Briefly, such contract is divided into two phases. During the first phase, the workers can be laid off at any time and they're paid for the hours they actually work, while during the second the workers should be offered an open-ended contract of employment. However, such provision makes it convenient for both employers and agencies to terminate the contract at the end of the first phase, which puts the workers at a constant risk of being laid off. In this regard, APG23 stresses that the Flexibility and Security Act (1999) be overcome and that provisions are

taken to ensure migrant workers their fundamental rights, in terms of medical insurance, housing, and employment stability.

In the Netherlands, local government officials are not ignorant of the prevalence of human trafficking. The increase in prostitution demand is often met by human traffickers importing women internationally, and along with sexual exploitation, human trafficking also takes place in economic social areas where victims are subject to employment under deplorable conditions. APG23 recognizes the considerable efforts made by the Government to battle human trafficking, especially with the anti-trafficking plan approved in 2018. Moreover, APG23 would like to commend once more the provision made by the UE Parliament in 2014, which finally recognizes the so-called Nordic model, employed by Sweden, Iceland and Norway, as one of the ways of combating the trafficking of women and under-age females for sexual exploitation and improving gender equality. For these reasons, APG23 would like to recommend that the Government welcomes the European Parliament's resolution on sexual exploitation and prostitution, and adopt the Nordic legal model.

In light of APG23's direct experience with people with disabilities in the Netherlands, who are often welcomed in its family-homes, the association would like to stress the fundamental link between the rights of persons with disabilities and the right to education. In the country, students with profound intellectual and multiple disabilities (PIMD) are not yet included in mainstream classrooms at public schools, and therefore deprived of increased opportunities for social interaction with peers. Despite the obligations that follow from the CRC (1) and the CRPD (2) conventions still, inclusive education is not sufficiently achieved in the Netherlands. APG23 would therefore recommend that the Government design, implement, promote and monitor a strategy for the realisation of the right to inclusive education and toward social inclusion while including children with disabilities in drafting policies.

APG23 has been active in Brazil since 1991, specifically in the states of Minas Gerais, Pará and Bahia; today it carries out its activities through 11 family homes and welcoming families, 2 Therapeutic Communities and 3 Daily Centres. APG23 in the country deals especially with children in difficult situations and with disabilities, malnutrition and drug addiction.

Firstly, APG23 welcomes the adoption by the government of the “Auxilio Brazil” programme, the comprehensive Brazilian social welfare programme, dedicated especially to families in poverty. At the same time, the daily experience of APG23 on the ground is that the population living in a state of poverty is increasing in the latest years, together with inequalities. These existing issues have been severely aggravated by the COVID-19 pandemic, in particular through the aggravation of food insecurity and a rise in food prices. Based on a report by Food for Justice, 59% of the sample families were in a situation of food insecurity in 2021. Food security is also threatened by the increase in floods and droughts due to climate changes, and its impact on national food and energy security.

It is evident that all these crises are interconnected and they mutually reinforce their adverse impact on the living standard of the poorest segment of the Brazilian population. For these reasons, a comprehensive approach and policies by the Brazilian government are needed in order to mitigate the effects of these phenomena. Specifically, APG23 suggests and recommends to the government to adopt specific and targeted policies and measures to reduce unemployment and increase food security, for example through the promotion of local and healthy food production and supporting family farming.

Secondly, APG23 supports and welcomes families that are facing strong social inequalities and marked discrimination in education and work. Most of the women and men that the Association meets every day were not able to finish primary school, with women having to devote themselves exceedingly early to domestic work, and men having to drop-out of school to support their families. Both usually suffer from low self-esteem, lack of opportunities, isolation, and unemployment.

Once again, the pandemic worsened the inequalities in accessing the right to education, with children who could not take part in school activities from home having this right actually denied.

Clearly, the pandemic aggravated the pre-existing challenges in Brazilian education, with more serious consequences on the poorest, on minorities, and all those who have historically

been deprived of a quality education. The main recommendation made by APG23 is to finally compile and implement a strategic agenda for Basic Education, to mitigate the serious effects of the pandemic and overcome historic challenges in the education sector. APG23 would also like to make a final recommendation to ensure an effective implementation of the UPR's recommendations, through the establishment of a permanent governmental mechanism to liaise with all relevant stakeholders.

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- (1) UN Convention on the Rights of the Child
 - (2) UN Convention on the Rights of Persons with Disabilities