

To the Chairman of the
House of Representatives of the General States
Binnenhof 4
the Hague

Date January 16, 2019

Re: Review of the answers to the awarding of the Human Rights Defenders Tulip to Zeid Ra'ad al Hussein

Dear Chairman,

On 3 September, you received the answers to the questions asked by the members Van Helvert and Omtzigt and the questions posed by the members Omtzigt, Sjoerdsma and Voordewind about the award of the Human Rights Defenders Tulip to Zeid Ra'ad Al Hussein. The answers to these questions were sent to you on 3 September 2018 with characteristic 2018D41938 and feature 2018D42031 respectively.

In response to a request on the basis of Article 16 of the General Data Protection Regulation (AVG), the answers to these parliamentary questions are reviewed on a number of points. This involves referrals to two internal whistleblowing cases within the Office of the High Commissioner of Human Rights (OHCHR).

The answer to question 12 in the parliamentary questions with reference 2018D41938 and the answering of questions 4 and 5 in the parliamentary questions with reference 2018D42031 about the case of Emma Reilly has been adapted and supplemented. The answer left room for the conclusion that the OHCHR has denied that lists of names of human rights defenders have been shared with the Chinese authorities. The OHCHR has confirmed that names have been shared but refutes that this has led to harmful consequences for the human rights defenders in question. In addition, the revised answer discusses in detail the treatment of the Reilly case by the UN Ethics Office and the fact that the Ethics Office has established that Reilly has reported misconduct within the OHCHR.

In the answer to questions 1, 2, 3 and 6 of the parliamentary questions with reference 2018D42031, the reference to the case of Miranda Brown was removed from the UN Disputes Tribunal, because this case was not related to its role as whistleblower within the OHCHR.

Finally, in the entire answer to both sets of parliamentary questions, the erroneous references to the 'UN Disciplinary Tribunal' were replaced by the 'UN Dispute Tribunal'.

In the appendix you will find the revised versions of the answers to the parliamentary questions. On Rijksoverheid.nl the original answers have been replaced by these revised answers, in order to comply with the request under the AVG for a correction of personal data.

The Minister of Foreign Affairs,
Stef Blok

Answers from the Minister of Foreign Affairs to questions from the members of Van Helvert and Omtzigt (both CDA) to the Minister of Foreign Affairs about the granting of the special edition of the human rights tulip to the High Commissioner for Human Rights Zeid Ra'ad Al Hussein and the role of the High Commissioner on Whistleblowing in the OHCHR.

Question 1

Can you please publish the regulations and the articles of association of the granting of the human rights law so that it is clear what the procedure looks like at a normal price and how the procedure is followed in this special edition?

Question 2

Can you describe the process on the basis of which the special prize this year is awarded to the High Commissioner for Human Rights Zeid Ra'ad Al Hussein? Can you specifically address who made the decision about setting up the special edition and about awarding the prize?

Answer questions 1 and 2

The Human Rights Tulip has been awarded since 2008 to individual human rights defenders or organizations that promote the protection of human rights in an innovative way. The Human Rights Defenders Tulip is intended to support courageous human rights defenders, to make their valuable work available and to inspire others to actively speak out for human rights.

The selection procedure is determined by the implementing partner organization, which is contracted by means of a tender from the Ministry of Foreign Affairs. In 2016 and 2017 Justice & Peace was the executive partner organization for the presentation of the Human Rights Tulip. [\[1\]](#) In 2014 and 2015, Hivos was the executive partner organization. [\[2\]](#)

The procedure for selecting a winner in previous years was made possible by the public to nominate human rights defenders or organizations. The received nominations were first assessed by the implementing partner organization and the Ministry of Foreign Affairs. Subsequently, a wide selection was presented to a committee consisting of experts in the field of human rights defenders and the relevant human rights issues. This resulted in a top-10 that was presented to the public via the internet. Public favorites were chosen through a public vote. From those three audience favorites, the Minister of Foreign Affairs chose the winner of the Human Rights Tulip.

Because of the 70th anniversary of the Universal Declaration of Human Rights and the 20th anniversary of the UN Declaration on human rights defenders, this year, instead of the previous selection procedure, a one-off special edition of the Human Rights Tulip was chosen. The Minister of Foreign Affairs has decided to grant this special edition to the outgoing UN High Commissioner for Human Rights. In addition, the Minister decided on or around the international Human Rights Day, on 10 December, to hand over a number of local Human Rights recipients to human rights defenders via a number of participating Dutch embassies. [\[3\]](#)

Question 3

Are you familiar with the case of whistleblower Anders Kompass, who made sure that the French authorities were informed of the shameful sexual abuse of young children and by, among others, French peacekeepers in the Central African Republic, so that these French authorities could investigate start? [\[4\]](#) [\[5\]](#)

Answer question 3

Yes, the cabinet is familiar with the Kompas case. The Cabinet Condemns sexual exploitation and sexual abuse (*Sexual Exploitation and Abuse*, hereinafter SEA) strongly and dedicates by UN personnel together with the Secretary-General of the United Nations (SGVN) cases of SEA to tackle energetically and effectively. The cabinet's opinion on the Zembla television program of 7 February 2018 on this case can be found in my letter of 17 April 2018 with reference 34 775 V, no. 74.

Question 4

Are you aware that many of these abused children are still deprived of basic help? [\[6\]](#)

Answer question 4

The documentary from Zembla indicated that support from UNICEF for the victims of the soldiers of the United Nations Multidimensional Integrated Stabilization Mission in the Central African Republic (MINUSCA) lagged behind. The Zembla broadcast showed in a very dramatic way the terrible consequences of SEA for child victims.

UNICEF has taken steps to address these horrible consequences and to provide better assistance to the vulnerable children who have become victims of the SEA. For example, UNICEF and partners are working on scaling up and monitoring assistance to victims, including medical assistance, psychosocial care, reintegration in the school system, support in life maintenance and legal assistance. UNICEF and the UN Department of Peacekeeping Operations (DPKO) have led the *UN Victim Assistance Protocol* set up within the United Nations UN Working Group on Addressing SEA, intended to provide a joint UN approach to support for victims of SEA. to strengthen. The protocol was tested in 2017 in four countries and will be further rolled out in 2018.

Other measures that UNICEF has meanwhile implemented are: mandatory reporting of SEA incidents to the Executive Director within 24 hours; the roll-out of a complaint handling mechanism at community level; a reinforced independent research unit; and compulsory training in the prevention of SEA.

Executive Director of UNICEF Henrietta Fore has announced an independent, external evaluation of how UNICEF handles SEA. SEA is now part of the SGVN reports on MINUSCA. In the most recent report of June 18, five new cases are reported, which are now being investigated by the countries that supplied the troops concerned. In cooperation with UNFPA and UNICEF, the mission has also referred five victims for specialist support.

MINUSCA also cooperates with a special UN task force for SEA and the local authorities to improve access to complaint procedures for citizens and to provide information about prevention and reporting. MINUSCA staff also receive training to raise awareness about the risk of SEA, how to report it and how to respond.

On 26 April last, Minister Kaag informed your Chamber about the amended policy of the Netherlands to combat sexually transgressive behavior aid and OS organizations (Parliamentary Papers 34775 XVII, no. 61). To prevent new victims of SEA, the Netherlands has made new agreements with aid and development organizations and the procedures and subsidy frameworks have been tightened up. This will also be reflected in the periodic discussions in the aid and development organizations.

On behalf of the Netherlands, Minister Kaag, together with like-minded partners, has written a joint letter to the SGVN to underline the urgency of the occurrence of SEA. [\[7\]](#) In response, the SGVN said

that the approach to such behavior has its full attention, both where this occurs within UN institutions and with regard to possible abuses in relief and peace operations.

Question 5

Are you aware that it was precisely the High Commissioner for Human Rights Zeid Ra'ad Al Hussein who requested the resignation of Anders Kompass in March 2015, because the publication of the report on pedophilia by peacekeepers - a number of high staff of the United Nations (UN) embarrassed? [\[8\]](#)

Question 6

Are you aware that an external research panel Anders Kompass is completely free of all blame? [\[9\]](#)

Question 7

Are you aware that this external investigation was hard about the role of the High Commissioner himself? [\[10\]](#)

Question 8

Are you aware that the UN Secretary-General, Ban Ki Moon, in June 2015, replied to us that the outcome of this report (which was published in December 2015) would be the guiding principle for the actions of the United Nations? [\[11\]](#)

Answer questions 5, 6, 7 and 8

Yes, the government is aware of the Kompass case and refers in this respect to the reaction to the Zembla television program (Parliamentary Paper 4 775 V, no. 74). The government attaches great importance to the careful handling of whistleblowers. This is why the government is committed to improving the protection of whistleblowers within the UN system as well as to an improved approach to sexual exploitation and sexual abuse (zero *tolerance* policy) and supports the additional measures that have been taken in the UN since the Kompass case. system have been taken.

Question 9

Are you aware that the smear campaign against Kompass continues to this day (despite the fact that he won his case before the tribunal and the report completely pleaded him), for example via e-mails from the High Information Officer Commissioner, Rupert Colville, to the media? [\[12\]](#)

Question 10

How do you rate the actions of the UN and the actions of the High Commissioner in this abuse case?

Answer question 9 and 10

Through the letter of Mrs. Brown, I am informed of the allegations about the actions and negative word using the spokesperson for OHCHR, Mr. Rupert Colville, and the complaint that Ms. Brown filed with the OHCHR.

The SGVN, at the time, shortly after the case of sexual abuse of children came to light, already ordered to have this case thoroughly investigated by an external panel. The research report concluded that the UN had not adequately responded to the case and noted systemic problems in the UN system. With regard to the role of the High Commissioner in the case, the independent panel concluded that its actions cannot be qualified as abuse of power. [\[13\]](#)

On 28 February 2017, the SGVN presented a report on the initiatives taken and ongoing within the UN system to prevent sexual exploitation and abuse and to improve the protection of victims. It also

explains what measures have been taken to follow the recommendations of the independent panel. [\[14\]](#)

The Netherlands is making every effort to tackle cases of SEA together with the SGVN in an effective and effective way. The Netherlands has taken the initiative with the United Kingdom for a coordinated approach to SEA and cross-border behavior in the development and peace-keeping sector, including the UN organizations. The aim is better policy for prevention, a firmer approach to perpetrators and care and justice for victims. A safe working environment with room for criticism and whistleblowers is an important condition for achieving this.

The government therefore supports the efforts of the SGVN for further measures to protect whistleblowers and to prevent retaliatory measures against whistleblowers. The SGVN has made this a priority as part of its broader reform agenda. In January 2017, the SGVN presented a plan in which the powers for the so-called *Ethics Office* of the UN are expanded and the independent position within the organization is firmly anchored. Employees now also have an opportunity to appeal against decisions of the *Ethics Office*. [\[15\]](#)

The Cabinet is of the opinion that in all cases where a whistleblower brings to light abuses, an independent investigation must take place in which all relevant aspects are examined. The case of Ms. Reilly is still pending before the UN Disputes Tribunal. A well-functioning reporting mechanism, including whistleblowing protection, is indispensable for an adequate response to misconduct or violation of ethical standards.

As set out in the letter to Parliament on measures to combat sexual transgressive behavior among aid and OS organizations, dated 26 April (your reference number 34775 XVII, no. 61), the integrity policy, including whistleblowing regulations, will henceforth be part of the Dutch assessment framework for development organizations including the UN in various evaluations. In specific cases that are brought to our attention, the Netherlands, in consultation with other countries, will insist on an independent and balanced treatment of the case and closely follow the reporting on this.

Question 11

Are you aware of the whistleblower saga of Emma Reilly, who tried to block the Chinese from getting a list of dissidents (one of the people on the list was later arrested and died in detention)?

Answer question 11

Yes, the cabinet is familiar with the Reilly case.

Question 12

How do you rate the actions of the UN and the High Commissioner in this case?

Answer question 12

Ms. Emma Reilly's case dealt with the possible harmful consequences of sharing a list of names of human rights defenders to the Chinese authorities by the staff of the OHCHR. OHCHR rejected the allegations that human rights defenders were at risk. [\[16\]](#) Ms. Reilly's claim about the damaging consequences of sharing the list and the alleged countermeasures against her within OHCHR were handled by the UN *Ethics Office*. The VN *Ethics Office* established that Ms. Reilly participated in so-called *protected activities*, which means that misconduct was reported. However, the *Ethics Office* has not established a direct link between the reports of misconduct by Ms. Reilly and the claim about alleged reprisals by the leadership of the OHCHR against Ms. Reilly. Furthermore, the UN *Ethics Office* confirmed that the lists of names were given but found that this act did not go

against the internal rules of the OHCHR. Another procedure is underway at the UN Tribunal for Dispute Resolution. The cabinet awaits the outcome with interest.

Question 13

Did you receive the letter from Miranda Brown dated 27 August 2018 that was sent to you? Can you send her an answer before handing out the human rights tulip and send the House a copy of the letter?

Answer question 13

On August 28, the letter from Ms. Miranda Brown dated 27 August 2018 was received. On August 31, 2018, Mrs. Brown received a reply letter. Since this is a response to a personal letter from Ms. Brown, the cabinet does not feel free to make this reaction public unless she explicitly requests Ms. Brown to us.

Question 14

Were you aware of how the High Commissioner dealt with the whistleblower in this serious abuse case when you decided to award him a prize?

Answer question 14

Yes. The role of the Chief Supervisory Officer and the way in which the matter was dealt with within the OHCHR and in a wider UN context was known when making the decision about awarding the prize.

Question 15

Do you think it appropriate that a person who has behaved like a whistleblower about serious sexual abuse of children will receive the highest human rights prize in the Netherlands?

Question 16

Are you prepared to ask publicly whether the High Commissioner wishes to apologize for his behavior and to cooperate in getting the necessary relief from the victims of this case, young children who have been signed for life?

Answer question 15 and 16

The decision to grant the Human Rights Tulip to Zeid Ra'ad Al Hussein is based on his personal commitment and his courageous, independent action to support human rights defenders during his mandate as UN High Commissioner for Human Rights from September 2014 to August 2018. Because of his strong and critical attitude, Zeid Ra 'ad Al Hussein is a symbol for all human rights defenders worldwide.

The reaction of High Commissioner Zeid Ra'ad Al Hussein on his performance in the case of Anders Kompass is included in the Annex to the investigation report of the independent panel, "*Taking Action on Sexual Exploitation and Abuse by Peacekeepers, Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic*".[\[17\]](#)

Zeid Ra'ad Al Hussein has made himself extremely deserving for the approach of SEA during his career, even when he was not yet a High Commissioner. For example, as a special adviser to the UN Secretary-General at the time in 2005, he was already responsible for the authoritative 'Zeid report' with measures against SEA.

In bilateral discussions prior to the presentation of the Human Rights Tulip, Zeid Ra'ad Al Hussein will look back on his term as High Commissioner. In addition, his merits will be discussed as well as the *lessons learned*. It is not up to the government to ask Zeid Ra'ad Al Hussein to apologize about this specific matter.

Naturally, the government will be running whistleblowing cases at the UN keep following.

For help to the victims of the abuse case, I refer you to my answer to question 4.

Question 17

Are you prepared to answer these questions one by one and very accurately before Monday 3 September 2018 12 hours, before the planned ceremony?

Answer 17

The government will strive to answer your questions for the presentation of the Human Rights Tulip.

[1] On page 10 of the Annual Report 2017 of Justice & Peace, the implementing partner organization in 2016 and 2017, the selection procedure is described.

<https://www.justiceandpeace.nl/nl/wp-content/uploads/sites/2/2018/08/20171220-Annual-report-JP-2017.pdf>

[2] See the Hivos website: <https://knowledge.hivos.org/human-rights-tulip-background-information>

[3] See also the website about the Human Rights Tulip <https://www.mensenrechtentulp.nl/>

[4] <https://zembra.bnnvara.nl/nieuws/komen-uitzending-verkracht-door-de-vredessoldaat>

[5] <https://www.codebluecampaign.com/carstatement/>

[6] <https://zembra.bnnvara.nl/nieuws/komen-uitzending-verkracht-door-de-vredessoldaat>

[7] <https://www.tweedekamer.nl/downloads/document?id=68566428-e71c-44f1-b192-dd19f30623b7> & title = Joint% 20 donor% 20 letter% 20 to% 20 UNSG.pdf.

[8] Source: paragraph 9 of the ruling of the UNITED NATIONS DISPUTE TRIBUNAL in KOMPASS v. SECRETARY-GENERAL OF THE UNITED NATIONS, namely: "On March 12, 2015, the Deputy High Commissioner for the Applicant that the High Commissioner [Said] demanded his resignation because the disclosure of the report had caused embarrassment to senior officials of the United Nations. "

[9] Source: Taking Action on Sexual Exploitation and Abuse by Peacekeepers, Report of an Independent Review on Sexual Exploitation and Abuse by International Peacekeeping Forces in the Central African Republic.

[10] Source: pages 64-65 of the research report: "The High Commissioner's single-minded determination against the Director of FOTCD as well as his request for investigation into the Director's the Panel has already been noted, the state of affairs is the subject of OHCHR policies, human rights practice, and the Directors' own personal evaluation criteria. Furthermore, the Panel observes that the High Commissioner is the director of FOTCD on administrative suspension on the basis that there was an "unacceptable risk" that the Director would destroy evidence. This was despite the fact that he knew that OIOS, the investigative body, did not consider that any such risk existed. 278 Similarly, it's worth noting that, in the very same letter in which the High Commissioner requested the suspension, he also asked the United Nations Office in Geneva to delay imposing the suspension by a week because he was traveling out of town. "

[11] Question 11 in <https://assembly.coe.int/Documents/Records/2015/E/1506231000ADD1E.htm>

[12] Page 27 of the letter that Miranda Brown wrote to you on 27 August.

[13] Report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic: "Taking action on sexual exploitation and abuse by peacekeepers", A / 71/99.

[14] Special measures for protection from sexual exploitation and abuse: A new approach Report of the Secretary General, A / 71/818.

[15] Secretary-General ' s bulletin, Protection against retaliation for reporting misconduct and for cooperating with duly authorized audits or investigations, ST / SGB / 2017/2.

[16] See OHCHR website, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21139&LangID=E>

[17] Report of an independent review on sexual exploitation and abuse by international peacekeeping forces in the Central African Republic: "Taking action on sexual exploitation and abuse by peacekeepers", A / 71/99, Annex III.