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**Permanent Representation of the
Kingdom of the Netherlands to
the Organization for Security and
Co-operation in Europe (OSCE)**

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NOTE VERBALE

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe presents its compliments to all Permanent Missions and Delegations to the OSCE and to the OSCE Conflict Prevention Centre, and has the honour to provide the Netherlands response to the questionnaire on the Code of Conduct on Politico-Military Aspects of Security for 2020. The response also includes information on Women, Peace and Security (Annex II).

The Permanent Representation of the Kingdom of the Netherlands to the Organization for Security and Co-operation in Europe avails itself of this opportunity to renew to all Permanent Missions and Delegations to the OSCE and to the Conflict Prevention Centre the assurances of its highest consideration.

Vienna, 8 April 2021



To: all Delegations and Permanent Missions to the OSCE
Conflict Prevention Centre of the OSCE

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QUESTIONNAIRE ON THE CODE OF CONDUCT ON POLITICO-MILITARY ASPECTS OF SECURITY 2020

THE NETHERLANDS

Section I: Inter-State elements

1. Account of measures to prevent and combat terrorism

- 1.1 To which agreements and arrangements (universal, regional, sub-regional and bilateral) related to preventing and combating terrorism is your State a party?

See Annex

- 1.2 What national legislation has been adopted in your State to implement the above-mentioned agreements and arrangements?

The Ministry of the Interior and Kingdom Relations and the Ministry of Justice and Security report on progress made to Parliament on a regular basis.

- 1.3 What are the roles and missions of military, paramilitary and security forces and the police in preventing and combating terrorism in your State?

The National Coordinator for Counterterrorism and Security (NCTV) plays a central role in preventing and combating terrorism. NCTV coordinates the efforts of the responsible ministries (mainly Interior and Kingdom Relations and Justice & Security). Within the Netherlands, the Ministry of Defence and the Armed Forces have a supporting role in this area.

Combating terrorism is one of the main tasks of the Central Unit of the Netherlands Police. It includes many divisions and teams who play an important role in fighting terrorism and radicalization. The unit carries out policing support tasks and independent, specialist tasks. Independent tasks embrace serious crime, terrorism, security and protection, and infrastructure security. Independent tasks focus on specialist investigative and forensic support, intelligence and information provision, international cooperation, special interventions, air support, operational support, and coordination of operations at the national level. The Central Criminal Investigation Division of the Central Unit of the National Police plays a crucial role in combating terrorism among others in the field of foreign terrorist fighters. This division provides the Netherlands police with high-quality technical, legal and strategic support related to combating organized crime and terrorism. The Central Intelligence Division of the Central Unit is responsible for the five information channels (Europol, Interpol, Sirene, Liaison Officers, Foreign Liaison Officers) through which CTER-related information flows. Based on the Police Act, the Royal Netherlands Marechaussee (RNLM) has a number of civil police tasks to prevent and combat terrorism. Civil authorities have the possibility to request support from the

armed forces as a structural partner for military assistance in the event of a terrorist threat or attack.

On request from civilian authorities and if needed, the Netherlands Defence Forces can support civil authorities with specific tasks, such as providing intelligence, protection and security, and/or with specific military capabilities. The RNLM and the Defence Intelligence and Security Service play a prominent role in this area.

The RNLM has permanent responsibility for security and protection of specific civilian infrastructure and persons (including royal palaces and residences, official residence of the prime minister), high risk objects, for airport security and civil aviation security. The unpredictable and persistent character of nowadays terrorism asks for a flexible operating counter terrorism service to serve the full range of expected violence. For this cause the RNLM provides civil services with a High Risk Security squad and the RNLM is specializing in behaviour detection in relation to terrorism. In the event of an increased terrorist threat level, civil authorities can request assistance and reinforcement from the RNLM units for additional protection of infrastructure and persons, if necessary with the help of the RNLM Special Assistance Unit (BE) and the Special Security Missions Brigade (BSB).

In the field of civil aviation security, the RNLM is responsible for so-called 'high-risk security'. This involves internal armed surveillance of check-in counters, security filters, terminal buildings and external armed surveillance on the platform and perimeter. It also includes taking anti-terrorism measures and providing adequate response capability for incidents and security breaches.

Regular safety and security procedures regarding boarding passengers, crew and cargo and the admittance of airport personnel remain within the responsibility of the airport operator. Airport operators have outsourced these tasks to civilian security companies. By law, the Commander of the Royal Netherlands Marechaussee is tasked with supervising and examining (by spot-checking) the security companies' performance.

The Netherlands' organization to combat terrorism includes the special interventions teams (BSB for the RNLM and for the police Special Interventions Team), the Explosive Ordnance Disposal (EOD) and the Air Marshals' Program. A combined police/military Special Intervention Service and an Intervention Unit Marines are permanently on standby for combating terrorism, dealing with hostage situations, combating organized crime, etc. Additionally, the Royal Netherlands Air Force (RNLAf) provides two aircraft on Quick Reaction Alert (QRA) to respond to 'renegade' situations (the use of civilian aircraft to commit terrorist acts), under the authority of the Ministry of Justice and Security. As of 1 January 2017 the QRA task is conducted together with the Belgian Air Force according to a four month alternating schedule.

All EOD support to civilian authorities is provided by the armed forces. Deployment of the armed forces to counterterrorism operations within the Netherlands always takes place under the direction of the civilian authorities. The National Coordinator for Counterterrorism and Security advises on the use of military units in support of security forces in the event of a terrorist threat.

Acting in a timely and lawful manner, the Public Prosecution Service and the police will investigate, prosecute and try persons suspected of preparing or carrying out terrorist or extremist offences, including cybercrime.

Focus will therefore continue to be on:

- The criminal justice system's ability to investigate, prosecute and try persons suspected of extremist or terrorist offences and to place those who have been convicted of such offences in special detention, if need be. Even if the threat should decrease, the required capacity and knowledge will be maintained. That way they can be rapidly redeployed if the threat flares up again;
- Making use of the full range of possibilities offered by the law, disrupt extremist and terrorist acts – including preparatory acts – and to prosecute those suspected of committing them;
- Investigating and prosecuting persons suspected of financing terrorism.
- Increasing and retaining knowledge and expertise within the criminal justice system regarding extremism and terrorism;
- Further strengthening information-sharing practices and cooperation between intelligence and security services and investigative agencies.

1.4 Provide any additional relevant information on national efforts to prevent and combat terrorism, e.g., those pertaining *inter alia* to:

— Financing of terrorism

The Netherlands implements all relevant UN resolutions and EU regulations on combatting the financing of terrorism in its national legislation and regulations. Financing terrorist activities is sanctioned and criminalized with reference to the Dutch Penal Code and the *Sanctiewet 1977*. More than ten government agencies are involved. Amongst those are the Public Prosecutors Office, the Ministry of Foreign Affairs, the Ministry of Finance, the Ministry of Justice and Security and the Ministry of the Interior.

— Border control

In the context of border control, the RNLM helps fight terrorism, *inter alia* by providing information relevant to other organizations such as the AIVD (the General Intelligence and Security Service of the Netherlands) or the NCTV (National Coordinator for Counterterrorism and Security).

The RNLM monitors the borders of the Netherlands and checks for persons who are identified as “undesirable aliens” and also checks whether the passenger poses a threat to public order and security. The RNLM is only authorised to act on the basis of information provided by the organizations mentioned above. At the border control the passport number of every passenger is checked against databases like the Schengen Information System and Interpol's Stolen and Lost Travel Documents to find out whether the passport is registered as stolen, lost, or revoked.

During the Identification and Registration process of asylum applicants there is special attention for signs of terrorism. If signs are identified they will be shared not only with the AIVD but also with other parties involved in border management.

— Travel document security

No specific measures on travel document security are taken. In general every five years a new passport model is issued in order to prevent document forgery. Furthermore the passport issuing authorities must check the identity of every applicant of a travel document. Due to new legislation, valid since March 2014, passports are valid for 10 years (before March 2014 five years only). Passports of potential foreign fighters can be withdrawn or withheld. In addition legislation is under consideration to prohibit travel outside the Schengen area for potential foreign fighters.

Jihadists are known to make use of other people's passports, thereby complicating the identification process. Evidence of this was uncovered during the raid in Verviers, where a passport belonging to a Dutch national was found. The fraudulent use of other people's passports or ID cards for travel purposes is nothing new. The loss of identity documents should always be reported to the authorities so that this information can be included in the databases that are consulted at the border. But of course, missing documents will not be reported if their loss is the product of criminal intent. Passports are sometimes misused by people known to the criminal justice authorities in order to remain under the radar.

Maintaining sound verification practices for identity documents is the best way of preventing people from travelling under a false identity with a valid travel document. Such official checks, which occur not only at the border, but also during police inspections and at municipal offices that issue passports, are a prerequisite for identifying misuse. In exercising its border control duties the RNLM is responsible for confirming travellers' identities. An important aspect of this is spotting forged and falsified documents. They also consult systems to determine if a given document has been flagged as stolen, revoked or missing. Furthermore, special attention is being given to recognizing 'lookalike fraud', whereby an individual makes use of a genuine document belonging to someone else. In this way the Dutch authorities do their utmost to make it difficult for people to travel under another identity.

— Container and supply chain security

In accordance with the *'Accord Europeen relatif au transport international de marchandises Dangereuses par Route'* (ADR) the Netherlands has adopted legislation to ensure the secure transport of dangerous goods. Transporters that are allowed to transport dangerous goods are obliged to take the necessary precautions against misuse and theft. Inspections are carried out to ensure compliance with all relevant regulations.

Activities of the Netherlands related to cargo aviation security are described in European legislation on cargo aviation security (EU-Regulation nr. 300/2008). Recently new legislation came into force with a focus on improving the security status of cargo coming from third countries. The Netherlands is implementing the new obligations.

— Security of radioactive sources

The Netherlands has national legislation with security requirements for radioactive sources. International cargo at main ports is checked for radiation. The Netherlands participates in the WCO Global Shield programme on explosives precursors and is implementing EU regulation 98/2013 on the marketing and use of explosives precursors (including customs checks).

The security of radioactive sources is regulated in Chapter 6 of the Implementation Act. This chapter became operational in April 2013. The Implementation Act determines which radioactive materials and sources must have additional security measures in addition to the regular / normal security measures. In the autumn of 2015, this Chapter 6 was evaluated and expanded.

In addition, the accessibility of data regarding radioactive sources on the internet will be reviewed and evaluated with respect to public access to sensitive information.

— Use of the Internet and other information networks for terrorist purposes

The AIVD attempts to counter the threat generated by online terrorism by studying virtual and physical terrorist activities. In view of the transnational nature of online terrorism, the AIVD works together closely with foreign intelligence and security services.

On a national level the Netherlands works on a multidisciplinary approach of countering extremist and terrorist use of the internet, which is coordinated by the NCTV. Dutch security and intelligence services cooperate in the field of OSINT (open source intelligence) and share non-operational information and knowledge.

Article 21 of the EU Directive on combating terrorism has been incorporated into national law. In Dutch criminal law the terrorist content (both online and offline) is linked to the (criminal) behaviour of a suspect. As a result, persons in the Netherlands who post extremist statements on the internet can be criminally prosecuted and the content can be removed. These include:

- statements that threaten or insult people;
- statements that incite to hatred;
- expressions that incite to commit criminal acts;
- and statements that recruit for terrorist activity.

The 'terrorist content' in itself (a photo of an IS flag for example) separate from the context of the behaviour, is difficult to criminalize independently of the context and therefore the criminal law approach is not well suited to remove such material.

Beside prosecution the Public Prosecutor is authorized, upon suspicion of a crime, to order an internet provider to immediately take all measures to make certain data inaccessible (Art 54a Criminal Code; art.125 p Criminal Procedure Code).

When the National Police's Internet Referral Unit (IRU) identifies extremist content it can request internet companies through Europol to remove it, through the Notice and Take Action procedure. The purpose in such cases is not prosecution, but to keep the internet clean by removing extremist expressions.

A final agreement is expected to be reached soon on an EU Regulation on addressing the dissemination of terrorist content online (TCO). The aim is to enable swift and effective removal of terrorist content online within one hour, with full respect of fundamental rights, such as the freedom of speech. The Netherlands will set up an independent administrative body to exercise the obligations of the EU regulation in a manner that is objective, non-discriminatory and with full respect of fundamental rights. The Netherlands underlines the importance of an independent competent authority since the removal of online content has a bearing on fundamental rights, in particular the freedom of expression and information.

The Netherlands also participates in the EU Internet Forum, in which the European Commission, EU member states, Europol and technology companies meet to counter terrorist content and hate speech online. Developments on the internet change rapidly, therefore it is crucial to cooperate with (inter)national partners in countering the dissemination of terrorist content online.

— Legal co-operation including extradition;

The Netherlands is party to various bilateral and multilateral treaties, including UN conventions relating to mutual legal assistance in criminal matters and extradition, which provide a basis for rendering assistance to other countries in criminal cases (for instance relating to terrorism). These treaties have all been implemented in national legislation and can serve as a legal basis for extradition and mutual legal assistance. For extradition, the relevant treaties are the International Convention for the Suppression of the Financing of Terrorism and the International Convention for the Suppression of Terrorist Bombings (<http://www.un.org/law/cod/finterr.htm>). If a foreign request for assistance is based on one of these treaties, the Netherlands can render legal assistance in broad terms. Extradition is also possible on the basis of these treaties.

Other international treaties containing provisions on extradition, include the United Nations Convention against Transnational Organized Crime (adopted by General Assembly Resolution 55/25 of 15 November 2000) and the United Nations Convention against Corruption (adopted by General Assembly Resolution 58/4 of 31 October 2003).

— Safe havens and shelter to terrorists and terrorist organizations

The Dutch national counterterrorism strategy embodies a comprehensive approach in which five sub-approaches are prioritized. Preventing safe havens and shelter to terrorists and terrorist organizations is part of the Dutch approach to prevent the dissemination of violent extremist behaviour and propaganda. Recruiters and persons who disseminate the jihadist ideology are disrupted, their reach is actively limited and the spread of their radical messages is brought to a halt. In addition to this, radicalization is detected and countered, the increase of new adherents to the jihadist movement is prevented and alternative and opposing views and narratives are encouraged. Lastly, social tensions are also countered as these could represent a breeding ground for radicalization.

2. Stationing of armed forces on foreign territory

- 2.1 Provide information on stationing of your State's armed forces on the territory of other participating States in accordance with freely negotiated agreements as well as in accordance with international law.

The Netherlands is a party to the Agreement by the Parties to the North Atlantic Treaty Organization on the Status of their Forces (1951) and the supplements thereto. The Netherlands is also party to a number of treaties with Germany and Belgium.

Belgian-Netherlands naval cooperation has a common operational HQ in Den Helder, The Netherlands (ADMIRALBENELUX). Both navies make use of each other's facilities in the Netherlands and in Belgium for educational and logistical purposes. Around 40 Netherlands Navy personnel are stationed in Belgium for maintenance and operational support of the MCM (Mine Counter Measures) vessels in Zeebrugge to support the Belgian-Netherlands Naval Mine Warfare School (EGUERMIN) and the Naval Mine Warfare Centre of Excellence (NMW COE) in Oostende, Belgium.

On 1 November 2013, the Benelux established a common Benelux Arms Control Agency (BACA). The arms control agency for the Netherlands was merged with those of Belgium and Luxembourg. BACA carries out its activities from Peutie in Belgium. BACA implements the conventional arms control treaties for the entire Dutch, Belgian and Luxembourg armed forces. 5 Netherlands military personnel are stationed at BACA, which now operates under Luxembourg command since January 2020. A Benelux Para Training Centre was established in Schaffen, Belgium, in the same year. 2 Netherlands officers are stationed there.

Some 500 NLD military are stationed in Germany. Most of them (around 220) are stationed at Headquarters 1 (German/Netherlands) Corps which was established in 1995 and is located in Münster; it is one of the NATO High Readiness Forces (Land) Headquarters. Most of the Corps positions (circa 440) are divided equally between Germany and the Netherlands; about 70 positions are reserved for military personnel of other NATO and EU member states. Another main location is Bergen (Lower-Saxony), where the fully integrated German-Dutch 414 Armoured Battalion is located with 53 soldiers. Furthermore Dutch military personnel are stationed at NATO positions in Ramstein (35) and Geilenkirchen (35).

In each of the following nations, Poland, Latvia, Lithuania and Estonia, the Netherlands have permanently stationed 2 Netherlands military personnel as part of NATO's Force Integration Units, following a decision taken at the Wales Summit in September 2014 as part of NATO's Readiness Action Plan, a comprehensive package of measures designed to respond to the changed security environment on the Alliance's borders. The Netherlands also provide input to NATO's Enhanced forward Presence by contributing to the strengthened military presence in Lithuania. This NATO presence in the Baltic states and Poland serves as a reassuring measure for these countries. The Netherlands supplies 270 soldiers for a multinational battle group.

In September 2008 a Strategic Airlift Capability (SAC) was established, now comprising of 10 NATO member states including the Netherlands and 2 Partnership for Peace (PfP) nations, in total 12 nations. The operational organization of SAC is the Heavy Airlift Wing (HAW), stationed at Pápa Air Base in Hungary. The HAW operates three C-17

aircraft. The Netherlands contributes 25 military personnel to this multinational consortium.

302 Squadron of the Royal Netherlands Air Force (RNLAf) is based in Fort Hood (TX), USA, employing 24 RNLAf and Royal Netherlands Army (RNLA) personnel; it operates eight AH-64D Apache attack helicopters and four CH-47F Chinook transport helicopters. 302 facilitates joint air assault training for RNLA AASL infantry and RNLAf helicopter crews in order to prepare for future combat deployments. In addition, 302 Squadron is responsible for Mission Qualification Training (MQT) for both Apache and Chinook helicopter crews.

A Netherlands Detachment of the Royal Netherlands Air Force (RNLAf) is based at Tucson Air National Guard Base, (AZ), USA. The detachment employs 11 RNLAf personnel and uses ten F-16 fighter aircraft for training and type conversion purposes.

The RNLAf 323 Test & Evaluation Squadron (TES) is based at Edwards Air Force Base (CA), as part of the Joint Operational Test Team (JOTT), directed by the Director Operational Test and Evaluation, employing eight RNLAf personnel and currently without aircraft to wrap up the initial Operational test and Evaluation.

Last but not least a RNLAf Detachment is based at Luke Air Force Base (AZ), that employs 14 RNLAf personnel and operates eight F-35 fighter aircraft, maintained by the Luke Air Force Base contractors. The detachment is part of the 308th FS and provides F-35 type conversion for new F-35 pilots and an F-35 Instructor Pilot Course.

Various numbers of military personnel are assigned to (multinational) military staffs in different countries, in addition to the deployment of various units participating in UN and other military operations pursuant to United Nations Security Council resolutions or at the request of the host nation concerned. At one NORDEFCCO and fourteen NATO accredited Centres of Excellence the Netherlands have military personnel. These Centres of Excellence cover a wide variety of areas of interest. The NATO Centres of Excellence work under the overall coordination of Allied Command for Transformation.

Five Royal Marechaussee personnel are stationed in Vicenza, Italy with the European Gendarmerie Force (EUROGENDFOR) staff, the multinational rapid deployable intervention force, comprising of elements of several European police forces with military status. Furthermore, five military police are stationed at the FRONTEX headquarters in Warsaw, where security at the external borders of Europe is coordinated and provided.

3. Implementation of other international commitments related to the Code of Conduct

- 3.1 Provide information on how your State ensures that commitments in the field of arms control, disarmament and confidence- and security-building as an element of indivisible security are implemented in good faith.

The Netherlands is party to and has implemented all international Treaties and Conventions in the field of arms control, disarmament and confidence and security building measures. The Netherlands pursues greater transparency for the international

imports and exports of arms and therefore values and reports to UNODA, the OSCE and the UN Arms Trade Treaty.

- 3.2 Provide information on how your State pursues arms control, disarmament and confidence- and security-building measures with a view to enhancing security and stability in the OSCE area.

In the field of conventional arms control, the Netherlands is party to the UN Arms Trade Treaty, the Wassenaar Arrangement and the EU Common Position on Arms Exports 2008/944/CFSP. It takes an active part in the Council Working Group COARM to promote harmonization of export controls between EU partners. The entry into force of the UN Arms Trade Treaty was an important step forward in strengthening export controls at the global level. The Netherlands supports the universalization and sound implementation of the treaty.

The Netherlands is a State Party to both the Treaty on Conventional Armed Forces in Europe (CFE Treaty) and the Treaty on Open Skies and is a participating State to the Vienna Document and other OSCE agreements on CSBMs. The Netherlands Permanent Representation to the OSCE takes an active part in the various negotiating forums within the OSCE framework. On the basis of these treaties and agreements, the obligation exists to accept inspections, evaluations, observation flights by the other contracting states on and above Dutch territory, as well as Dutch forces on the territory of other parties. In addition, based on some of these treaties and agreements, the Netherlands has the right to carry out inspections, evaluations and observation flights on and above the territory of the other contracting states. These flights are coordinated and carried out at BENELUX level. In addition to the multilateral arrangements mentioned above the Netherlands has reinvigorated the bilateral INCSEA agreement with the Russian Federation in order to raise awareness and aim at increasing the safety on and above the high seas.

Section II: Intra-State elements

1. National planning and decision-making process

- 1.1 What is the national planning and decision-making process in determining/approving military posture and defence expenditures in your State?

The planning and decision-making process within the Netherlands is called the Policy-Plan-Budget cycle in which means are allocated to and within the Ministry of Defence in accordance with plans and priorities. Planning priorities in national defence planning are the result of the relationship and interaction between political and organizational ambitions, tasks, capabilities and means. In order to improve this national defence planning, a methodology has been developed that reflects a joint interaction between the services and directorates and which integrates NATO and EU priorities. This methodology is the leading principle for the national planning system.

The Policy-Plan-Budget (PPB) cycle is an annual cycle with a budgetary outlook of five years based on initial political guidance at the beginning of a legislature and is updated yearly. At the beginning of a legislature, the Netherlands government produces its Policy Directive, which is the leading policy document for government departments including the Ministry of Defence and is valid for a period of four years (or the length of the legislature).

The Policy Directive provides political and policy input for the Defence Plan. The Policy Directive is translated into a Defence Plan issued by the Defence Staff which represents a more detailed outline of defence plans and policy for the period of the legislature. The Defence Plan explains the relationship between policy, planned expenditures and capability development versus activities, personnel and equipment. This document serves as the basis for the annual budget plan and PPB-cycle. The Chief of Defence, as the corporate planner and allocator, formulates this integrated proposal, which is then submitted to the Minister of Defence.

- 1.2 How does your State ensure that its military capabilities take into account the legitimate security concerns of other States as well as the need to contribute to international security and stability?

According to article 97 (1) of the Constitution of the Netherlands the armed forces of the Netherlands exist to defend and protect the interests of the Netherlands and promote the international legal order.

2. Existing structures and processes

- 2.1 What are the constitutionally established procedures for ensuring democratic political control of military, paramilitary and internal security forces, intelligence services and the police?

The Constitution states that the Government has supreme authority over the armed forces (article 97, paragraph 2, of the Constitution). The government's policies and decisions regarding security and defence forces are subject to parliamentary control. There are no paramilitary forces in the Netherlands and civilian security companies are subjected to specific legislation. Both Dutch intelligence services, the General Intelligence and Security Service and the Defence Intelligence and Security Service are also subjected to legal restraints and parliamentary control. Article 100 of the Constitution requires that parliament has to be informed about the use and deployment of defence forces in support of the international rule of law.

- 2.2 How is the fulfilment of these procedures ensured, and which constitutionally established authorities/institutions are responsible for exercising these procedures?

The Minister of Defence is politically accountable to Parliament with respect to the implementation of the outlined policy priorities and the operational objectives and with respect to the Defence Intelligence and Security Service. The Parliament allocates funds for the annual budget of the Ministry of Defence and the armed forces.

The organizational structure of the police is laid down in the Police Act of 2012. It describes the responsibility for the organisation and its actions of the Minister of Justice and Security. The Minister of Justice and Security is politically accountable to Parliament. Concerning the upholding of criminal law, the police acts under subordination of the Public Prosecution Service, and under subordination of the local mayor where it concerns the upholding of public order and security. The mayor is politically accountable to the city council.

The Minister of the Interior and Kingdom Relations has at his disposal a General Intelligence and Security Service (AIVD), which investigates threats to national security. The findings of both intelligence services are reported on a confidential basis to a private Parliamentary Commission consisting of the leaders of a select number of the political parties represented in Parliament. The composition of this commission is determined by the rules of procedure drawn up by Parliament.

- 2.3 What are the roles and missions of military, paramilitary and security forces, and how does your State control that such forces act solely within the constitutional framework?

The Constitution states three principal missions for the armed forces:

- to defend national and allied territory, including the Caribbean parts of the Kingdom, and the national interests of the Kingdom;
- to defend and promote the international rule of law;
- to support and assist civilian authorities in maintaining law and order, providing disaster relief and humanitarian aid, on a national as well as an international level. This task is based on a number of different laws such as the 2012 Police Act. These activities are always performed at the request of, and under the authority of, the civilian authorities and within the legal framework for such activities.

See also 2.1 and 2.2. Apart from individual criminal responsibility of military personnel, the overall political control for ensuring that the armed forces act entirely within the constitutional framework lies with the government, which is in turn subject to (public) review by Parliament. The Minister of Defence is politically accountable to Parliament and has to inform Parliament on any relevant development related to the armed forces, in accordance with procedures laid down in the Constitution.

3. Procedures related to different forces personnel

- 3.1 What kind of procedures for recruitment and call-up of personnel for service in your military, paramilitary and internal security forces does your State have?

The personnel system of the Netherlands armed forces is based on professional voluntary staff. The Netherlands suspended military conscription in 1997 and legislation has been changed accordingly. However, the registration system is still in place and if the military necessity were to arise, conscription can be resumed and reservists can be drafted. On a voluntary basis, Netherlands residents can serve as reservist in non-operational posts and be deployed in peace support operations.

- 3.2 What kind of exemptions or alternatives to military service does your State have?

Since the Netherlands has suspended military conscription, offering alternatives to compulsory military service is no longer applicable.

- 3.3 What are the legal and administrative procedures to protect the rights of all forces personnel as well as conscripts?

The military law and disciplinary rules are almost entirely shaped according to civil law and do not infringe upon the civil rights of military personnel. These civil rights can only

be limited in the event of military operations in times of war or during peace support operations. The Inspector-General for the Armed Forces serves as “*Ombudsman*” for all personnel.

4. Implementation of other political norms, principles, decisions and international humanitarian law

- 4.1 How does your State ensure that International Humanitarian Law and Law of War are made widely available, e.g., through military training programmes and regulations?

All military personnel receive instruction in international humanitarian law, which is also included in annual basic training refresher courses. In addition, lessons incorporating other relevant international conventions and commitments are provided, for instance those within the framework of the United Nations or the North Atlantic Treaty Organization. Particular attention to international humanitarian law is given in the Soldiers’ and Officers’ Handbooks. Finally, a specific Humanitarian Law Handbook is available and updated as required.

- 4.2 What has been done to ensure that armed forces personnel are aware of being individually accountable under national and international law for their actions?

The training of all military personnel contains classes on military law, international humanitarian law and criminal law. Additionally, attention is given to humanitarian law and human rights in the training prior to any deployment.

- 4.3 How does your State ensure that armed forces are not used to limit the peaceful and lawful exercise of human and civil rights by persons as individuals or as representatives of groups nor to deprive them of national, religious, cultural, linguistic or ethnic identity?

The legal framework for the use of the armed forces in domestic operations contains a number of checks and balances, including legal review of any request or intention to deploy the armed forces for such operations. Furthermore, any such deployment is conducted under the authority of the civil authorities. Additionally, attention is given to human rights in the training prior to any international deployment (see 4.2, above). There is also parliamentary oversight through the means of the Article 100 obligation (see II.2.1) to inform Parliament on missions in support of the international legal order, periodic updates on missions sent to Parliament and a formal evaluation at the end of all missions.

- 4.4 What has been done to provide for the individual service member’s exercise of his or her civil rights and how does your State ensure that the country’s armed forces are politically neutral?

Individual service members have the same rights as other citizens, which may only be limited by law and out of operational concerns. Personnel are allowed to organize themselves into unions and have recourse to legal means if they consider themselves unfairly treated. Furthermore, a system of integrity advisors is present throughout the armed forces.

Political neutrality is ensured through the civilian control of the armed forces.

- 4.5 How does your State ensure that its defence policy and doctrine are consistent with international law?

Legal advisors are available within the Ministry of Defence and are consulted on most policy documents, including the Netherlands Defence Doctrine. The Director of Legal Affairs may also provide advice *ex proprio motu* on any (policy) issue he/she considers relevant. Under the obligations derived from Article 36 of the First Additional Protocol to the Geneva Conventions, states are obligated to ensure that their means and methods of warfare are in accordance with international law. The Netherlands has an advisory committee which ensures such adherence. Finally, legal advisors are present at various levels of command to advise commanders on international law in accordance with Article 82 of the First Additional Protocol to the Geneva Conventions.

Section III: Public access and contact information

1. Public access

- 1.1 How is the public informed about the provisions of the Code of Conduct?

The Code of Conduct is not explicitly mentioned, but the way it is implemented in the Netherlands Armed Forces is made public through means as described in 1.3.

- 1.2 What additional information related to the Code of Conduct, e.g., replies to the Questionnaire on the Code of Conduct, is made publicly available in your State?

The Netherlands' replies to the Questionnaire are publicly available on the OSCE website www.osce.org/fsc. No additional information directly related to the Code of Conduct is provided.

Through the Netherlands Ministry of Defence's Directorate of Communication, press and individual citizens are free to request all information regarding the Netherlands Armed Forces.

- 1.3 How does your State ensure public access to information related to your State's armed forces?

The government informs the public in an active way on matters related to the armed forces, using all possible means for this purpose, such as websites (<http://www.rijksoverheid.nl/>), (<http://www.defensie.nl/>), social media (<https://www.youtube.com/user/defensie>), audio-visual materials, briefings and publications. In addition, media can embed with virtually all units deployed on any mission, limited in their reporting only in operational and personal security matters, to protect the troops, the mission and the journalists themselves. To stimulate this embedded journalism, the ministry of Defence regularly organizes press trips to areas of operations where Dutch troops are deployed. Furthermore, the press and the public have the opportunity to put forward questions related to the armed forces. They can request an

inspection of any non-classified defence document under the Dutch Freedom of Information Act (WOB) of 31 October 1991.

2. Contact information

2.1 Provide information on the national point of contact for the implementation of the Code of Conduct.

Ministry of Foreign Affairs
Security Policy Department
Security and Defence Policy Division
P.O. Box 20061 500 EB The Hague
Tel. +3170348 5814
E-Mail: dvb-vd@minbuza.nl

2.2 To request documents under the Dutch Freedom of Information Act (WOB):

Ministry of Defence
Directorate of Communications/WOB
P.O. Box 20701
2500 ES The Hague

ANNEX
**to Question 1 of the Information exchange on
the Code of Conduct on politico-military aspects of security**

1(a): *List of international agreements, including all United Nations conventions and protocols related to terrorism, to which the participating State is a party*

- 1) Convention on Offences and Certain Other Acts Committed on Board Aircraft
14 September 1963, Tokyo (entry into force for the Netherlands: 12 February 1970)
- 2) Convention for the Suppression of Unlawful Seizure of Aircraft
16 December 1970, The Hague (entry into force for the Netherlands: 26 September 1973)
- 3) Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation
23 September 1971 (entry into force for the Netherlands: 26 September 1973)
- 4) Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 14 December 1973, New York (entry into force for the Netherlands: 5 January 1989)
- 5) International Convention against the Taking of Hostages, 17 December 1979, New York (entry into force for the Netherlands: 5 January 1989)
- 6) Convention on the Physical Protection of Nuclear Material, 3 March 1980, Vienna (entry into force for the Netherlands: 6 October 1991) and the Amendment to the Convention on the Physical Protection of Nuclear Material, 8 July 2005 (entry into force for the Netherlands 8 May 2016)
- 7) Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, Supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 23 September 1971, Montreal, 24 February 1988, Montreal
(entry into force for the Netherlands: 10 August 1995)
- 8) Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 9) Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms on the Continental Shelf, 10 March 1988, Rome (entry into force for the Netherlands: 3 June 1992)
- 10) Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1 March 1991, Montreal (entry into force for the Netherlands: 3 July 1998)
- 11) International Convention for the Suppression of Terrorist Bombings, 15 December 1997, New York (entry into force for the Netherlands: 9 March 2002)
- 12) International Convention for the Suppression of the Financing of Terrorism, 9 December 1999, New York (entry into force for the Netherlands: 10 April 2003)

1 (b): Accession to and participation in other multilateral and bilateral agreements or measures undertaken to prevent and combat terrorist activities;

- 1 European Convention on the Suppression of Terrorism, 27 January 1977, Strasbourg
(entry into force for the Netherlands: 19 July 1985)
- 2 Agreement concerning the application of the European Convention on the Suppression of Terrorism among the member States of the European Community, 4 December 1979, Dublin
(accepted by the Netherlands, treaty not yet entered into force)

ANNEX II (Netherlands - year 2020)

INDICATIVE LIST OF ISSUES PERTAINING TO WOMEN, PEACE AND SECURITY TO BE PROVIDED IN THE QUESTIONNAIRE ON THE OSCE CODE OF CONDUCT

Legislation and policy framework

1. *Have there been any specific policies and/ or legislation (including secondary legislation) related to women's services in the Armed Forces adopted in the last 10 years (or under discussion now)? If so please provide details.*

The Netherlands Armed Forces have always worked under NATO policies (gender in military operations). The legitimacy of the third Netherlands National Action Plan 1325 (NAP 1325) of 2016-2019 was extended by one year. On December 16th 2020 the fourth NAP 1325 was launched for the period 2021-2025. The international focus of the NAP is next to a national one in accordance with the growth of signatories to the NAP 1325 over the past years. Coordination of the NAP remains a co-operation of the Netherlands Gender Platform "WO=MEN" (pronounce: Women equals Men) and the Ministry of Foreign Affairs.

The first Defence Action Plan 1325 (DAP 1325) of 2016-2019 was extended by one year as well. In 2020 the DAP 1325 (2016-2029) was evaluated. The evaluation provided some critical insights that influenced design, structure and character of the new DAP 1325 for 2021-2025. This new DAP 1325 (2021-2025), which is related to the new NAP 1325 (2021-2025), is more comprehensive and includes goals and concrete actions and encourages active involvement of the different components in the Dutch Armed Forces.

The implementation of the Programme of Diversity & Inclusion (D&I) developed to establish an inclusive organisation is ongoing. The difference between the DAP 1325 and the D&I-Programme is that the DAP 1325 focuses on operational excellence and on the goals of UNSCR 1325. The D&I programme strives towards organisational excellence. DAP 1325 and the D&I programme are making progress but still foresee that the Armed Forces will need stamina to reach and preserve positive effects.

Positions and courses on Gender in Operations

At the end of 2021 there will be a transition from a project organisation (unit) 'Gender in Operations' to a permanent Gender unit, positioned at the level of deputy CHOD, manned by the current GENAD to the CHOD (OF-4) and a deputy GENAD (OF-3). Main task will be executing DAP 1325.

In relation to the implementation of processes of diversity and inclusion two supporting positions have been created in the Division of Personnel and Organisation (DPOD).

Since 2015 the Dutch Armed Forces seconded a gender expert to the Nordic Centre for Gender in Military Operations (NCGM) in Sweden in order to support the development and capability building of gender in military operations.

The Centre conducts training for gender advisors and gender focal points and other courses.

The course 'A Comprehensive Approach to Gender in Operations' organized by the Spanish-Dutch initiative, under the umbrella of the ESDC, continues to be offered to civilian and military personnel who work within the area of Gender in operations.

An NCGM approved Gender Training of the Trainers course (GToT) was conducted in 2019. In 2021 a Gender Focal Point (GFP) training will be conducted in the Netherlands.

2. *Does national legislation concerning gender equality, sexual discrimination or equal pay apply without restriction to the Armed Forces? If there are restrictions, please describe them.*

Yes, national legislation concerning gender equality, sexual discrimination and equal pay fully apply to the Netherlands Armed Forces. There are no restrictions.

3. *Are there any restrictions on the inclusion of women in the Armed Forces? Are there positions or units women are excluded from?*

No, women are free to apply to all positions within the Netherlands Armed Forces.

4. *If women are excluded from any positions or units, what are the reasons for this?*

Not applicable (see answer 3).

Recruitment and advancement

5. *Are enlistment requirements in the Armed Forces different for women and men; for example as regards physical fitness requirements or physical characteristics?*

Basic physical and psychological enlistment requirements for military personnel are equal for women and men. No change in requirements from last year.

6. *Please give the percentage of female and male applicants to the Armed Forces – received and recruited.*

The two tables below show the numbers and percentages of applicants per branch (Navy, Army, Air force, Royal Marechaussee) and for the Netherlands Armed Forces as a whole for 2016 – 2020.

It is important to note that the amount of applications may be ‘doubled’, because one person may apply for different positions. Furthermore, these figures reflect the amount of applicants *before administrative corrections through questionnaires, screening and selection.*

Gender	Branch	2016	2017	2018	2019	2020
Male	Navy	2006	1656	1744	2088	2356
	Army	4680	5348	5069	6256	7860
	Air force	1930	1501	1544	1811	1706
	Royal Marechaussee	1840	2360	2208	2007	1341
	NLD Armed Forces total	10456	10865	10565	12162	13263
Female	Navy	279	237	273	453	542
	Army	699	930	769	1047	1440
	Air force	368	361	395	552	512
	Royal Marechaussee	452	587	547	633	536
	NLD Armed Forces total	1798	2115	1984	2685	3030
NLD Armed Forces/ grand total		12254	12980	12549	14847	16293

Percentages of applicants						
Gender	Branch	2016	2017	2018	2019	2020
Male	Navy	88%	87%	86%	82%	81%
	Army	87%	85%	87%	86%	85%
	Air force	84%	81%	80%	77%	77%
	Royal Marechaussee	80%	80%	80%	76%	71%
	NLD Armed Forces total	85%	84%	84%	82%	81%
Female	Navy	12%	13%	14%	18%	19%
	Army	13%	15%	13%	14%	15%
	Air force	16%	19%	20%	23%	23%
	Royal Marechaussee	20%	20%	20%	24%	29%
	NLD Armed Forces total	15%	16%	16%	18%	19%

Copyright tables 'DPOD/ DCPL, 2016-2020'.

The percentage of women and men after screening and selections is: women 16%, men 84%.

7. *Are there any laws or policies that set minimum or maximum targets for recruitment of women in any positions or units?*

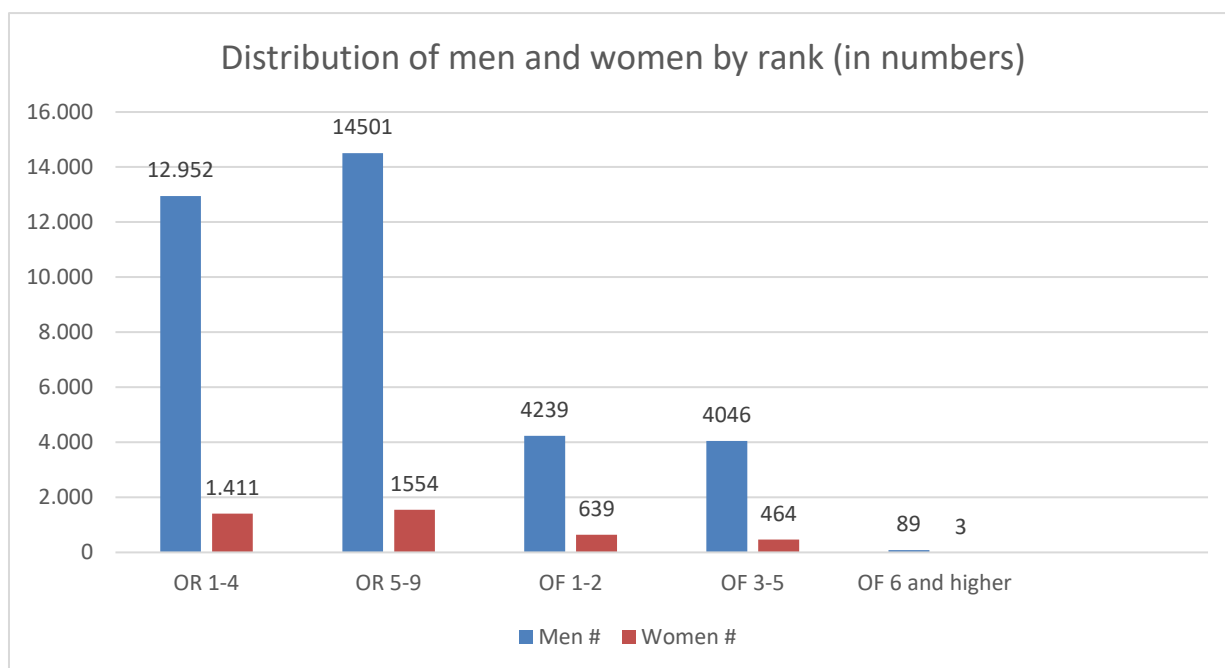
No, there are no laws or policies that set targets for recruitment of women.

8. *Are there any policies (including legislation and guidance) that promote the recruitment of women in the military?*

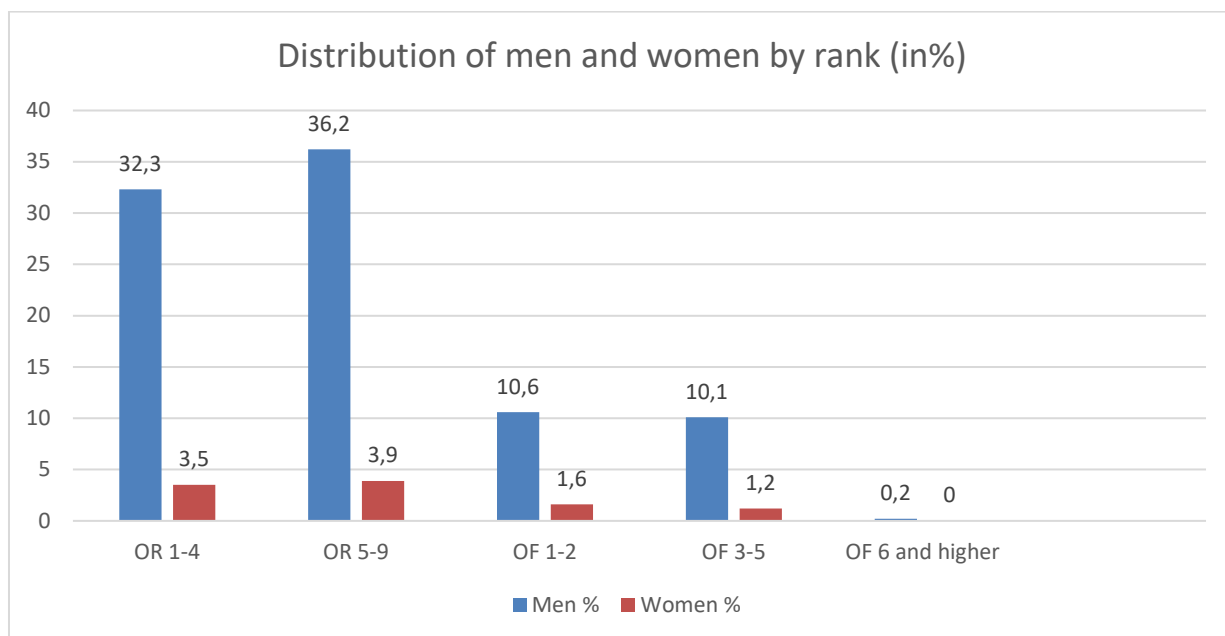
Over the last few years there has been no special policies targeting women (military) but there have been special recruitment campaigns for women in order to try to attract more female recruits.

9. *What is the number and percentage of male/ female active duty military personnel in the Armed Forces? Please provide data for each service and for each rank.*

The following figure gives the percentage of male/ female active duty military personnel within the Netherlands Armed Forces. The Armed Forces have 10,7% female military personnel (was 10,4% in 2019).



Copyright Chart-data 'DPOD/ TOS, mid 2020'.



Copyright Chart-data 'DPOD/ TOS, mid 2020'.

10. What were the percentages and number of female personnel deployed in military operations (3 months or longer) in the last 5 years?

The number of female personnel deployed in military operations in the last 5 years is shown in the table below. Some women did more than one operation (3 months or longer) which are counted separately.

YEAR	2016	2017	2018	2019	2020
Number (female)	231	230	207	175	279
Percentage (female)	7%	7%	7%	8%	9%

Copyright Table-data 'DPOD/ TOS, 2016-2020'.

11. Please give percentages of women and men who received a promotion in 2019 and 2020.

The percentages in 2019 are: women: 33%, men: 28,8% and in 2020 are: 28,9% and men 25,6%.

Conditions of service and retention

12. Are there differences in the average length of service of women and men? Please explain.

No, there are no differences.

13. What are the frequently recurring reasons given by women and by men for leaving the Armed Forces?

Reasons for women as well as men are **primarily** found in 'career possibilities/ new challenges'.

Reasons for leaving the Netherlands MOD, mentioned by *women*:

1. 'Too few career possibilities/ new challenges'
2. 'Too little connection to working level'
3. 'Difficulties in travel distance to work'
4. 'Difficulties in combining work-and-home'

Reasons for leaving the MOD, mentioned by *men*:

1. 'Career possibilities/ new challenges'
2. 'Dissatisfied with salary'
3. 'Dissatisfied with the way the MOD is governed'
4. 'Insecurity in future'

14. How are military equipment (e.g. tanks, aircraft, and submarines), military facilities and military uniforms adapted for women and men? Please provide details.

Military equipment and facilities

There is no difference in equipment (tanks, aircraft, submarines) for women and men.

Military uniforms

There is no special equipment for women, such as weapons, vests and helmets. Women do have different uniforms (skirt, blouse, shoes, jackets, hats).

15. Are there differences between salaries and benefits of servicemen and servicewomen?

No, there are no differences.

16. *What provisions for family-friendly work and work/life balance, such as parental leave, are in place for the military personnel?*

Social support:

- Pregnancy leave 6 weeks prior to date of birth of child;
- Maternity leave 10 weeks from the date of birth of child;
- Paternity leave as of 1 January 2019 changed from 2 days to 5 days;
- Parental leave 13 weeks for either parent, to be taken prior to the 8th birthday of a child;
- Calamity leave available for employees when immediate care for a direct relative (husband, wife or child) is necessary;
- Breastfeeding: the mother is entitled to facilities at the workplace to breast feed her child or to express milk. Not all locations currently provide a designated lactation facility.

Furthermore:

- Special program to support parents when both are members of the armed forces:
 - Given the operational situation and in consultation with parents, services will endeavour not to deploy both serving parents at the same time, when childcare is required.
- Support for single parents/ divorced parents, widows/widowers looking after their children:
 - Single parent with child(ren) under 5 years of age may request to postpone deployment on mission.
 - Financial allowances possible to partly compensate for the extra expenses, when on deployment.
- Childcare policy
 - Provision protecting parent from deployment
 - Extra weeks of subsidized maternity/paternity leave
 - Breast feeding breaks
 - Flexible working and service hours or variable start/ finish times of working day
 - No daycare at the MoD and military barracks.

Additional work-life balance:

- Flexible working hours,
- Working at home (remote logging in),
- Part-time work.

17. *Please describe the formal and informal mechanisms available for servicemen and servicewomen to complain about gender related harassment (including sexual harassment), discrimination, bullying and/ or abuse?*

Last year's answer is still valid.

Prevention

1. Code of Conduct MoD as described in SG/A 984;
2. Next to existing procedures the MoD carries out several training- and educational programs that focus on preventing misconduct in general.

Formal mechanisms

1. Complaints Procedure: procedure to adequately and meticulously deal with misconduct as actions carried out by MoD personnel. This procedure was recently updated;
2. The Central Organisation on Integrity and the Inspector General of the Dutch Armed Forces are both bodies within the armed forces where employees may be counselled;
3. There is a committee that specifically addresses formal complaints of behavioural misconduct within the MoD;
4. Within the Royal Netherlands Marechaussee (with tasks similar to Military Police) personnel is employed dedicated to investigate statements of personnel concerning crimes;
5. Throughout the organisation confidential counsellors are appointed to listen to complaints and if necessary direct plaintiffs/ complainers to the correct (internal or external) social service agencies. These counsellors may also mediate between parties.

Informal mechanisms

The Dutch Armed Forces have existing networks for LGBT, employees with a bi-cultural background or women's groups, organising activities for their members or at the MoD level. The members of these groups provide a network of trusted colleagues (different from confidential counsellors) and may help mitigate initial anger, sadness or stress. The networks' members are specifically informed about the professional help and formal mechanisms within the armed forces.

18. What is the number of complaints of gender related harassment, discrimination, bullying and abuse in the Armed Forces received during 2019? Please disaggregate between anonymous and non-anonymous complaints if possible, and between complaints received from women and men. Has there been any significant change in the number of complaints in the last 5 years?

Because cases may run for more than one year it is not possible to provide exact numbers for 2019 and 2020. A committee that specifically addresses official complaints of behavioural misconduct within the MoD carries out the investigations into behavioural misconduct in general (e.g. bullying, discrimination, harassment). The number of investigations by the COG is included in the total number of cases. Some cases exist of multiple complains and multiple offenders and still be counted as one case.

Behavioural misconduct in general				
2016	2017	2018	2019	2020
64	145	136	118	82

COG				
2016	2017	2018	2019	2020
4	14	21	15	8

Copyright Table 'COID, 2021'.

19. Please describe any strategies, policies and/ or training within the Armed Forces on gender related harassment, discrimination, bullying and/ or abuse?

The Central Organisation on Integrity and the Inspector General are both bodies within the

Armed Forces where employees may be counselled. Especially the Central Organisation on Integrity provides (moral) training for students, leaders and organises symposia on different topics related to integrity and diversity & inclusion. This body may also provide (external) counselling on bullying. The Central Organisation on Integrity also provides brochures, posters and tailored information on topics such as bullying, discrimination and harassment.

20. Is sexual harassment and gender based violence by a member of the Armed Forces against another member of the Armed Forces subject to civil or military prosecution?

The Royal Netherlands Marechaussee (with tasks similar to Military Police) will advise the formal mechanisms mentioned under Q17 if a particular case at hand is subject to civil or military prosecution.

21. Have you surveyed the satisfaction of servicemen and service women in the last 5 years? If so please give a brief summary of any significant differences in responses between men and women.

Satisfaction is yearly surveyed and the results improve every year since 2015. Men and women are equally motivated to get their work done. Women are less cynical and more neutral in their expressions about their work and the interaction with others, compared to men. Women and men differ in their opinions about aspects of work: women value the content of work more highly and men tend to value the payment for work.

22. What is the percentage of female medical staff (including medical doctors, nurses etc.) serving in the Armed Forces?

The percentage of military female medical staff is 44,1% and civilian female medical staff is 48%.

23. Is there any network to support women in the military (e.g. women's networking groups, female staff associations, contact points)? Please explain.

See Q17. There is a women's network as well as a network for LGBT and employees with a multicultural background.

24. Is there a military entity that deals with the equal opportunities of men and women in the Armed Forces?

See Q8+17. The Central Organisation on Integrity and the Inspector General are both bodies within the Armed Forces where employees may be counselled. For the MoD there are as of 2016 two positions responsible for improving gender equality on a political/ strategic level: one position in the Principal Directorate of Operations and the other at the Principal Directorate of Personnel.

25. Are there trained gender advisors in the Armed Forces?

Over the last few years - including 2020 - the appointment of two Dutch Gender Advisors (GENAD) for the Resolute Support Mission in TAAC-North (Mazar-e-Sharif) Afghanistan has been continued (six months rotation). Since 2017 the Netherlands also deploys a military gender advisor to UNIFIL (Lebanon).

All gender advisers that have been deployed in missions were trained. Most of them followed the gender adviser course at the NCGM. After their deployments, those gender advisers went back to their former posts (often not related to 'gender').

In 2019 the Dutch Armed Forces created a new position of Gender Adviser to the Chief of Defence (rank: OF-4). This post has been filled since the beginning of 2020 by a trained and experienced gender adviser.