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Summary record of the 43rd meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 November 2010, at 10 a.m.

Chairperson: Mr. Marchán Romero

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Combined fourth and fifth periodic reports of the Kingdom of the Netherlands

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The meeting was called to order at 10.05 a.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant *(continued)*

Combined fourth and fifth periodic reports of the Kingdom of the Netherlands
(E/C.12/NDL/4-5; E/C.12/NDL/4/Add.1 and Add.2; E/C.12/NDL/Q/4-5 and Add.1;
HRI/CORE/1/Add.68/Rev.1 and 2010 core document for Aruba, document without a
symbol)

1. *At the invitation of the Chairperson, the delegation of the Kingdom of the Netherlands took places at the Committee table.*
2. **Mr. Abath** (Kingdom of the Netherlands – Aruba) outlined the constitutional reform that had come into force in the State party on 10 October 2010 following a referendum and decisions taken by the authorities of the former Netherlands Antilles. The Kingdom of the Netherlands now consisted of four autonomous countries: the Netherlands, Aruba, Curaçao and Sint Maarten. The islands of Bonaire, Sint Eustatius and Saba had become special entities within the Netherlands.
3. One of the first priorities for the current Government of Aruba, which had taken office the previous year, had been to strengthen the position of the most vulnerable groups in society, particularly in the face of falling real incomes and the impact of the global economic crisis. Policies for longer-term action were being developed but, in the meantime, monthly social assistance to households in need had been increased by 25 per cent, with additional monthly payments to households in need with school-age children.
4. In June 2010, the Government had invited all social partners to commence a national social dialogue on important issues such as pension reform, health care and taxation. Positive results had been achieved, and the key decisions taken in a number of areas would be implemented as of January 2011. A second national dialogue, focusing on justice and education, would start in late 2010.
5. The Government of Aruba was committed to protecting economic and social rights in a sustainable manner and doing as little harm to the environment as possible. In cooperation with the private sector, it was taking action to reduce reliance on imported fossil fuels. Renewable energy technology met 18 per cent of current energy demand and a target of 40 per cent within one year had been set.
6. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the Netherlands Government was preparing to ratify the Optional Protocol to the Covenant.
7. Although the financial and economic crisis had driven unemployment up from 4.5 per cent in 2007 to 4.9 per cent in 2010, the Netherlands still had the lowest unemployment rate in Europe. Nevertheless, momentum must be maintained to ensure that everyone enjoyed equal access to the labour market, as the employment rate among groups such as older people, young people, women and members of ethnic minorities needed to be improved. By providing decent childcare facilities and ensuring that it was financially viable to work outside the home, the Government hoped to further increase the employment rate among women, which had risen from 44 per cent in 1995 to 59.5 per cent in the second quarter of 2010.
8. Discrimination, combined with low levels of education, resulted in high unemployment among non-Western ethnic minorities. Various activities launched to improve employment prospects for those groups had proved successful, with employment rising from 56 per cent in 2005 to 64 per cent in 2009, but the economic recession had

reversed the trend, causing unemployment among those groups to rise from 18 to 21 per cent between the second quarters of 2009 and 2010. As the economy recovered, their employment rate was expected to rise faster than average, however, and the Government's ultimate aim was a uniform rate of increase across all ethnic groups.

9. The Netherlands attached great importance to a smoothly functioning social security system as a safety net for people unable to generate their own income. In recent years, the focus had shifted to participation in society and the responsibilities of citizens. People could claim benefits if needed, but were expected to do their best to improve their own situation. A reintegration system, tougher assessment procedures and an active attitude on the part of employer and employee kept people working as long as possible.

10. In view of the Netherlands' ambition to compete with the top five knowledge-based economies in the world, education was of fundamental importance. The Government was committed to improving quality and was focusing, in particular, on basic skills at the primary and secondary levels.

11. Since 2006, all residents had been obliged to take out health-care insurance with an insurer of their own choice. All insurers were required to accept applicants unconditionally.

12. **Ms. Swakhoven** (Kingdom of the Netherlands – Curaçao) said that the Government of the newly autonomous country of Curaçao was aware of its obligations under the Covenant and would seek to implement the provisions of the Covenant and other international human rights instruments to the best of its abilities. Despite the many challenges following its change of status, progress had been made on a number of issues which the former Netherlands Antilles had begun to address.

13. Once the revised Criminal Code had been passed by the legislature, Curaçao would be able to ratify, among other instruments, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Council of Europe Convention on Action against Trafficking in Human Beings.

14. Education was a priority for the Government. The national ordinance on compulsory education, applicable to children aged 4 to 18, had been implemented, as had the national ordinance on compulsory social education, which aimed to provide 16- to 24-year-olds who had dropped out of school with a second chance by helping them return to school or by providing training that would assist them in finding a job. The unemployment rate had decreased from 15 per cent in 2006 to 10.3 per cent in 2008 and to 9.7 per cent in 2009. On 1 October 2009, changes were made in the sickness insurance scheme, and many pensioners had already seized the opportunity to arrange for insurance. The Government of Curaçao had begun the necessary procedure to withdraw the reservation to article 8 of the Covenant concerning the right to strike.

15. **Ms. Wuite** (Kingdom of the Netherlands – Sint Maarten) said that the Government of Sint Maarten was duly aware of the additional tasks that it had recently assumed, which included the considerable and challenging undertaking of fulfilling obligations arising from international human rights instruments. The Government was committed to doing so in the interests of the well-being of its citizens, particularly the most vulnerable. The former Netherlands Antilles had made progress in some areas, and legislation that it had drafted but not ratified would be addressed as a priority in the first parliamentary sessions of Sint Maarten.

16. As a dynamic multicultural society with specific economic characteristics, Sint Maarten needed to take social and economic initiatives that emphasized sustainable development. Sint Maarten had opted to reform its social security provision, and the introduction of a national health insurance system that guaranteed all citizens equal rights to

vital health services was a priority for 2012. In view of its ageing population, Sint Maarten was also redesigning its old-age pension scheme to secure sustainability and alleviate the risk of poverty in the future. Unemployment presented a renewed challenge following the recent global economic crisis, but programmes to promote employment and training were progressing well.

17. Sint Maarten had a large number of illegal migrant workers. A legalization programme aimed at eliminating the disadvantages associated with their status had been well received and was moving forward. Under the national ordinance on compulsory education, no distinction was made on the basis of legal status. Emphasis was placed on meeting educational requirements for all, creating appropriate conditions to do so and raising public awareness of the rights of children to receive an education. In 2006, a policy framework had been approved to promote Sint Maarten's culture, give priority to cultural activities and events, and stimulate creativity.

Articles 1 to 5

18. **Mr. Abdel-Moneim** asked whether the State party had updated its core document, in line with the request made by the Committee in 2008. In his view, the combined fourth and fifth periodic reports of the Netherlands were too short to cover the complex issue of economic, social and cultural rights. With regard to article 2 of the Covenant, he requested information on international assistance and cooperation, neither of which was covered in the periodic reports.

19. **Mr. Abashidze**, referring to the Committee's previous observations and questions concerning the extent to which the provisions of the Covenant were directly applicable in the State party and to the information supplied by the State party in that regard on various occasions, sought clarification concerning the mechanisms in place to guarantee respect for economic, social and cultural rights at Kingdom and country level. In view of the number and variety of courts potentially involved and the complex body of case law at their disposal, and particularly in the wake of the recent constitutional reform of the Kingdom, he suggested that the introduction of a single piece of legislation guaranteeing respect for those rights and applying to the State party as a whole should be considered.

20. **Mr. Kedzia** said that, although the Constitution addressed economic, social and cultural issues, it outlined government responsibilities, rather than individual rights. Incorporating the language of rights into the basic law of a country could be helpful for disadvantaged groups, since it rendered them legitimate claimants. He wondered whether it was possible, in view of the language of the Constitution, for disadvantaged groups to make claims based on the Covenant, as it seemed that, although courts could apply the Covenant directly under the incorporation doctrine, individuals could not claim their rights exclusively on the basis of the Covenant in the event that domestic law did not provide sufficient protection. He asked what the main trends in jurisprudence on economic, social and cultural rights were. He also asked whether rights holders had been involved in the drafting of programmes, laws and policies for the implementation of economic, social and cultural rights. He wished to know what the advisory opinion from the Council of State had been on the Human Rights and Equal Treatment Commission Bill.

21. **Ms. Bras Gomes** said that, pursuant to the charter setting out the new political structure, each of the countries was responsible for promoting fundamental rights and freedoms, but safeguarding those rights and freedoms was the duty of the Kingdom. She asked what that meant in practice. Turning to paragraph 14 of the written replies to the list of issues (E/C.12/NLD/Q/4-5/Add.1), she asked what the "human rights responsibilities" were that would be added to the brief of the Equal Treatment Commission and what the Commission's mandate would be. The written replies also stated that there was no national human rights institution at the government level in the Netherlands Antilles. The national

human rights institution should not be established at the government level, but rather should be an independent institution. Since there were a number of different human rights institutions in each country, she wished to know whether any of them had been established in line with the Paris Principles.

22. The Netherlands had already reached the United Nations target of allocating 0.7 per cent of gross domestic product (GDP) to official development assistance (ODA), and she wondered whether it had managed to maintain that level despite the effects of the global economic and financial crisis and whether it would exceed the target in future. She asked whether the State party's position on extraterritorial obligations was in line with that of the Committee. While she welcomed the State party's progress towards ratifying the Optional Protocol to the Covenant, she was concerned by the statement that it did not intend to accede to the International Convention on the Rights of All Migrant Workers and Members of Their Families, which had thus far been ratified only by countries of origin, despite having also been negotiated by countries of destination.

23. **Mr. Atangana** said that, despite the recommendations made by a number of treaty bodies, the Covenant was still not directly applicable in the State party, and he asked whether that situation would be rectified. He requested clarification on the status of the human rights institution in Aruba. Was it truly independent and had been established in line with the Paris Principles?

24. **Mr. Texier** said that, in its reply to question 5 of the list of issues, the State party had informed the Committee that a process was under way to obtain the necessary approval to withdraw the reservation of the Netherlands Antilles to article 8, paragraph 1 (d), of the Covenant. He asked what progress had been made and when the reservation was likely to be withdrawn.

25. Turning to the issue of asylum-seekers and undocumented migrants, he noted that, pursuant to the July 2010 amendment to the Aliens Act, asylum-seekers were entitled to a weekly stipend to cover certain expenses, such as health care. He wished to know whether a distinction was made between asylum-seekers and refugees in that regard. Noting that the rules of the Council of Europe allowed the detention of undocumented migrants for extended periods, he wondered how long such migrants were detained in the Netherlands and in what facilities. Amnesty International had recently reported that hundreds of asylum-seekers and irregular migrants were being detained in the Netherlands, some for as long as 12 months.

26. **Mr. Sadi** asked whether the newly separated countries in the Antilles and the Netherlands had a uniform perspective and jurisprudence with regard to the Covenant or whether there were different degrees of Covenant implementation. He requested an explanation of the incorporation doctrine, which was of particular interest since, in practice, the status of the Covenant was changeable and many Covenant rights were considered aspirations, rather than justiciable rights. He asked why the State party was reluctant to refer to its human rights body as a national human rights institution under the Paris Principles. He would appreciate an explanation of the legal provisions on equal treatment, and he requested examples of the case law pertaining to the anti-discrimination provisions of the Criminal Code. It appeared that Islamophobia appeared to be more prevalent in the Netherlands than in other European countries and he wondered why that was the case. He requested clarification of the meaning of the statement made in the replies to the list of issues (E/C.12/NLD/Q/4-5/Add.1) that medical professionals must take the ideological views and cultural backgrounds of their patients into account.

27. **Mr. Pillay** said that, despite the Committee's past recommendations, little progress had been made in strengthening the currently weak status of the Covenant in the domestic legal order of the State party. The Government seemed to have passed the responsibility for

the application of the Covenant to the courts, despite its direct obligation to ensure the applicability of Covenant rights. Furthermore, State party representatives had argued in court that some of the provisions of the Covenant were not directly applicable. Undocumented migrants were not provided with the minimum essential level of housing and were deprived of shelter, clothing and food, despite being under the jurisdiction of the State party. The State party thus appeared to have forgotten its core obligations under the Covenant, and the Committee's general comments seemed to have been disregarded by the courts. He asked whether undocumented migrants were provided with free essential medical care. In its previous concluding observations, the Committee had recommended that the State party should provide specific training for judges and lawyers concerning the justiciability of economic, social and cultural rights and the direct application of the rights set out in the Covenant. He wished to know whether the State party was considering acting upon that recommendation.

28. **Mr. Riedel** said that, while he appreciated the efforts made by the State party to provide details on court decisions in the two written addenda (E/C.12/NDL/4/Add.1 and Add.2) to its periodic report that it had submitted, the information demonstrated that the rights enshrined in the Covenant were not being applied directly. The State party should provide guidance to its judges to ensure the direct applicability of the Covenant. In one particular case, an individual had been deprived of his absolute right to water on grounds of an inability to pay water charges. He wished to know whether the new Government was considering incorporating the Covenant into domestic law in order to make it directly applicable by the courts. He wondered why the State party had signed the Optional Protocol if the parent treaty was not considered binding. He asked when the State party intended to ratify the Optional Protocol. He asked whether the State party would elaborate upon its position with regard to the Committee's general comment No. 20 on non-discrimination in economic, social and cultural rights.

29. **Ms. Bonoan-Dandan**, referring to the State party's reply to question 1 of the list of issues, said that, while numerous anti-discrimination measures had been listed, they dealt with discrimination in general, rather than discrimination against migrants in particular. She would appreciate further information on measures, including training and awareness-raising for law enforcement officers, that were in place to combat discrimination against migrants.

30. She wished to know whether it was true that thousands of undocumented immigrants were held in detention centres alongside asylum-seekers, including victims of human trafficking and torture, and whether unaccompanied minors were also held in detention centres. In addition, she requested statistics on the number of women, children and elderly people detained in such centres. She enquired whether persons who feared being subjected to domestic violence in their countries of origin were entitled to apply for refugee status in the State party and what the outcome of the 2008 survey on domestic violence in the Netherlands had been. With regard to the right to education, she sought more information on the plight of boys in Curaçao.

31. She welcomed the State party's attainment of the United Nations target of allocating 0.7 per cent of GDP to ODA and asked to what degree economic, social and cultural rights were targeted in ODA allocations.

32. **Ms. Barahona Riera** asked if all four constituent countries would ratify the Optional Protocol to the Covenant. With regard to gender equality, she wished to know what policies had been implemented in each of the countries to promote the representation of women in elected office and whether such policies included affirmative action. It would be useful to know what ministries or institutions dealt with gender issues and how much funding was devoted to gender policy. She requested current statistics on the number of women in political office and in the workforce, as well as information on the results of measures to improve gender equality and to promote women's participation in political life

in Curaçao and Sint Maarten. She further asked if all four countries had agreed to revise the Civil Code in order to provide greater protection against gender discrimination.

The meeting was suspended at 11.30 a.m. and resumed at 11.55 a.m.

33. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the Kingdom of the Netherlands was a single sovereign entity under international law which consisted of four equal partners enjoying full autonomy in the management of their internal affairs and in the implementation of their international commitments. The Government of the Kingdom was responsible for concluding international treaties and was accountable for the observance of human rights treaties in all four countries. International treaties were directly applicable provided that their provisions were self-executing. The State party was bound by the Covenant but could not interfere with court decisions on the applicability of its provisions.

34. **Mr. Versluis** (Kingdom of the Netherlands – Netherlands) said that, under article 93 of the Constitution, the provisions of international treaties that were binding by virtue of their substance became binding upon publication. Under the Constitution, statutory regulations in the Kingdom did not apply if they conflicted with the self-executing provisions of international treaties. The direct applicability of such provisions was, however, a matter of interpretation by the courts and depended on the nature, content, purpose and wording of the provisions, on the intent of the parties to the treaty and on the presence or absence of legislation implementing the treaty. Legislation was not required to apply the provisions of international treaties but a number of provisions under the Covenant were not automatically applied by the courts.

35. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the State party expected to deliver an updated version of its core document by January 2011. Its completion had been delayed, in part, by the recent changes in the Constitution.

36. Turning to development aid, he noted that, in spite of hefty cuts in public spending, the Government had decided to maintain ODA allocations at 0.07 per cent of GDP. The State party spent about €25 million per year on the promotion of human rights policy abroad through international organizations and Netherlands-based NGOs, promoted the attainment of the Millennium Development Goals and worked with many international institutions to promote development aid with a human rights focus.

37. The detention of aliens was a last resort and was applied for as brief a period as possible. The maximum period of detention was six months and, in the first half of 2010, 76 per cent of detainees had been released from detention centres, of which there were six in the Netherlands, within three months. The Government endeavoured to find alternatives to detention, especially in the case of families with children and people who cooperated in the preparations for their departure. Unaccompanied minors could be detained only in special juvenile detention centres.

38. Victims of domestic violence who were in the Netherlands legally could apply for residence permits. Victims needed to provide some proof that the violence had taken place or, in the case of asylum applications, to demonstrate that the authorities in their country of origin were unable or unwilling to protect them from such violence.

39. Comparing the rights of asylum-seekers with those of refugees, he said that, under asylum legislation that had been modified in July 2010, a central agency for the reception of asylum-seekers provided housing, access to health care and financial assistance during the application procedure. Asylum-seekers had eight days to submit their applications and were granted at least six days to rest and prepare themselves before the application process began. They also received a medical check-up and legal aid.

40. With regard to the establishment of a national human rights institution, he said that the Equal Treatment Commission would be subsumed into a new body, to be known as the

National Institute for Human Rights, with a broad advisory capacity covering the full range of human rights issues.

41. **Ms. Verstappen** (Kingdom of the Netherlands – Netherlands) said that evaluation of the Equal Treatment Act had shown that equal treatment legislation had failed to provide the public with sufficient information on their rights and how to exercise them. As a result, the Municipal Anti-Discrimination Services Act had been promulgated in 2009. That law required municipalities to provide local residents with access to an efficient, independent anti-discrimination service and ensured people's right to report instances of alleged discrimination in their district and to receive assistance from an independent body. The municipalities sent annual statistics on the discrimination complaints received by those services to the Ministry of the Interior and Kingdom Relations. The Government was also planning to consolidate all equal treatment legislation into a single law. In the wake of national awareness-raising campaigns on discrimination in 2009 and 2010, the number of complaints lodged with anti-discrimination services had tripled.

42. **Mr. Beets** (Kingdom of the Netherlands – Netherlands), in reply to a question on the subject, said that the key results of the overarching report on domestic violence were expected to be available in December 2010.

43. The Government attached great importance to combating discrimination. Measures taken to eliminate discrimination in the labour market and to fight prejudice consisted primarily of information campaigns and research. Persons who believed that they had been the victims of discrimination could file a complaint with the Equal Treatment Commission, which then took action.

44. **Ms. van Schaik** (Kingdom of the Netherlands – Netherlands) cited several examples of measures taken to combat discrimination. The Ministry of Social Affairs and Employment subsidized the National Diversity Management Network and had implemented a number of programmes to promote diversity in small and medium-sized private enterprises and in the public sector. In 2009, a provision had been included in the Working Conditions Act that required employers to conduct a proactive policy to combat discrimination. If cases of discrimination in a company came to light, the labour inspectorate could require the employer to take steps to address the problem and, if the employer did not comply, he or she could be fined. The Ministry of Social Affairs and Employment had funded an initiative to monitor vacancy advertisements; when an advertisement was found to contain discriminatory language, information on equal treatment legislation was sent to the employer or agency responsible for placing it. Although there was no enforcement mechanism, the project had had an impact.

45. **Ms. Verstappen** (Kingdom of the Netherlands – Netherlands) said that, in addition, an anti-discrimination campaign had been carried out to raise public awareness and encourage victims to lodge complaints.

46. **Mr. Beets** (Kingdom of the Netherlands – Netherlands) said that the labour participation rate for women stood at 63 per cent; thus, the Netherlands was one of the three leading European countries in that regard, together with Denmark and Sweden. Challenges lay in addressing negative aspects of the country's culture of part-time work: 75 per cent of women worked part-time, averaging 24 hours per week. That figure needed to be increased from an emancipation perspective and from the point of view of the expected labour market shortage in the future.

47. **Ms. van Schaik** (Kingdom of the Netherlands – Netherlands) said that fewer than 50 per cent of women in the Netherlands were financially independent, and there had been little improvement over the years. Increasing the number of working hours was a long-term project, since part-time work in the Netherlands was taken as a given; in fact, women seemed to prefer it.

48. **Ms. Verstappen** (Kingdom of the Netherlands – Netherlands) said that there were no numerical targets or affirmative action initiatives aimed at increasing the percentage of women in public office. That did not imply that the Government did not wish to achieve equal representation in politically elected bodies. However, those objectives could only be achieved by the political parties themselves, which were free to draw up their list of candidates as they saw fit. Any decision to introduce gender targets or gender quotas was entirely up to them.

49. Women's representation in the legislature stood at 41 per cent, making the Netherlands one of only three member States of the Council of Europe with a percentage of 40 per cent or more in that regard. At provincial level, women's representation was satisfactory. The picture was less positive in the municipal councils, where the increase over the past 10 years had been very slow. As a special incentive, from 2008 to 2010, the Minister of the Interior and Kingdom Relations had conducted an orientation programme to prepare qualified women mayoral candidates.

50. Women accounted for 44 per cent of the Netherlands' representatives in the European Parliament, 35 per cent in the senate, 41 per cent in the house of representatives, 34.8 per cent in the provincial councils and 26.3 per cent in the municipal councils. In all, 25 per cent of the country's government ministers were women, as were 12.5 per cent of its State secretaries, 8 per cent of the Queen's commissioners, 30 per cent of members of the provincial executive bodies, 19 per cent of mayors and 20.2 per cent of city council members.

51. **Mr. Beets** (Kingdom of the Netherlands – Netherlands), replying to a question on whether the Netherlands held classes for civil servants on economic, social and cultural rights, said that in September a two-week introductory programme which included a focus on constitutional law and human rights had been started for civil servants at national level.

52. In response to an earlier question, he said that currently there was no policy requiring members of the medical profession to take into account the cultural background of a specific group of patients. Care providers and medical professionals were private parties: they decided on their own how to deal with a particular group. However, the Netherlands did have a patient empowerment law which strengthened the position of patients vis-à-vis care providers.

53. **Mr. Abath** (Kingdom of the Netherlands – Aruba), referring to a question on the national dialogue, said that, for the first time, the social partners had been able to have a lengthy discussion on long-standing issues such as pension reform, health care, the tax structure and other policies. The Government had recently reformed the pension system for politicians, whose future retirement age would be set at 60 and who would receive the maximum pension only after serving at least 12 years as ministers or legislators. Steps had also been taken to ensure that all employees would receive a supplementary pension; currently, only 25 per cent of employees did so.

54. The human rights institution, which had been set up by the Government in accordance with its reporting obligations under the Covenant, advised the Government on human rights issues, complied with reporting obligations under international human rights conventions and promoted public awareness of human rights issues.

Articles 6 to 9

55. **Mr. Texier** said that the European Committee of Social Rights of the Council of Europe had reported that inmates in prisons who worked were paid an hourly wage of 64 cents and that their weekly wage amounted to about €110 or 120. He asked the delegation to comment on that report. He also enquired what steps were being taken to address wage

disparities between men and women, what the current situation was and what the career prospects were for women as compared to men.

56. He would appreciate clarification on the role of the courts in limiting the right to strike. According to the European Committee of Social Rights, courts in the Netherlands often ruled that strikes were illegal because they violated the rights of others. That was surprising, since it was in the nature of strikes to violate the rights of others. He would like to learn more about the view of the courts on the concept of proportionality or, in other words, how they decided whether the inconvenience caused to others took precedence over the right to strike.

57. **Ms. Bras Gomes**, clarifying an earlier remark, asked what action was taken when Dutch multinationals violated economic, social and cultural rights in other countries. She enquired whether the Netherlands would consider introducing a framework anti-discrimination law which included all the prohibited grounds of discrimination referred to by the Committee in its general comment No. 20 on non-discrimination in economic, social and cultural rights.

58. She would also like to know whether the general policy measures taken to promote women's access to employment also reached minority women or whether they were targeted in special programmes. It would be interesting to learn why the new Government had transferred responsibility for childcare and equal rights from the Ministry of Social Affairs and Employment to the Ministry of Education, Culture and Science, as stated in paragraph 50 of the report.

59. Noting that there had been a general shift in many countries to make conditions for entitlement to benefits so stringent that many people were no longer eligible, she sought assurances from the delegation that that was not the case in the Netherlands and enquired how the Government was encouraging people to take full advantage of the social assistance available in the Netherlands. In the written reply of the State party to question 17 of the list of issues, it was stated that an alien who had been admitted to the Netherlands unconditionally had the same entitlement, in principle, as someone of Dutch nationality. She asked whether that also applied to economic, social and cultural rights. As she understood it, workers in the informal economy in Aruba did not have any protection. She asked the delegation to comment.

60. On the discrepancy between the number of workers who had needed to take leave but had not done so and the total number of workers requiring leave, to which reference was made in paragraph 52 of the report, it would be useful to know whether the Netherlands had met its goal of reducing that discrepancy by 25 per cent and, if not, what obstacles it had encountered. In paragraph 55, it was noted that more than half of all employers did not regard themselves as responsible for helping their staff to achieve a good work-life balance. She asked what steps the State was taking to impress upon employers that they needed to promote such a balance.

61. **Mr. Abdel-Moneim** said that he regretted that the report of the Netherlands did not contain any specific paragraphs on article 6 per se. A State party was not entitled to drop a fundamental economic, social or cultural right under the Covenant from its report to the Committee. It was to be hoped that the next periodic report would contain information on the evolution of the implementation of all the rights under the Covenant. It was surprising that, according to the written replies, the Netherlands had no figures on underemployment. He wondered how the State party could have a complete picture of the situation in the labour market without such data.

62. In Appendix II of the State party's report, it referred to the European Employment Observatory and the basic information report which the State party had submitted to it in 2005. It would have been more useful if the State party's report had included the

Observatory's assessment and if the Netherlands had commented on its conclusions. Some of the figures cited by the Observatory were inconsistent with those provided by the State party, such as, for example, the statistics on unemployment disaggregated by level of education. He asked the delegation to comment. He wondered whether the move from a demand-side to a supply-side orientation in labour market policies referred to by the Observatory was the right approach as far as the right to work was concerned. It would also be interesting to learn whether the number of persons eligible for benefits had declined because of the improved situation in the labour market or because of stricter conditions for benefit entitlement.

The meeting rose at 1 p.m.