



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/NLD/Q/3
2 March 2006

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Thirty-sixth session
1-19 May 2006

**IMPLEMENTATION OF THE INTERNATIONAL COVENANT
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**List of issues to be taken up in connection with the consideration of
the third periodic report of The Netherlands concerning the rights referred to in articles 1-15
of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.30)**

**I. GENERAL FRAMEWORK WITHIN WHICH THE
COVENANT IS IMPLEMENTED**

1. Please explain the domestic legal status of the Covenant and whether its provisions are considered by the State party to be “specific and precise enough” to be directly applied in its domestic courts.
2. Please indicate whether the State party has adopted a national plan of action on human rights, in accordance with the Vienna Declaration of 1993, and whether there is an effective national human rights institution, in accordance with the Paris Principles of 1991.

II. ISSUES RELATING TO THE GENERAL PROVISIONS OF THE COVENANT (ARTS. 1-5)

Article 2.1: International assistance and cooperation

3. Please indicate whether the State party intends to increase its Official Development Assistance to 0.7 per cent of its GDP, as recommended by the United Nations.
4. Please provide information as to whether the State party, as a member of international financial organizations, in particular the International Monetary Fund and the World Bank, does all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant.
5. Please explain by what means the State party implements the human rights approach in development cooperation with third countries and to what extent its position on economic, social and cultural rights affects its strategy for such cooperation.

Article 2.2: Non-discrimination

6. Please provide updated information on measures taken by the State party to combat xenophobia and racial discrimination.
7. Please explain how successful the Equal Treatment Act has been in combating discrimination. Are there any organizations representing ethnic minority groups, other than the Turkish Community Advisory Association (IOT) and the Moroccan and Tunisian Alliance (SMT), that have been engaged in promoting equal treatment?
8. Please explain why, according to the State party's report, asylum seekers and a few other categories of foreigners are granted preferential treatment over other foreigners under the Benefit Entitlement (Residence Status) Act (para. 110). Please indicate whether the State party envisages any amendments to that Act and, if so, please explain the reasons for any such amendments.
9. Please provide additional and updated information on the enjoyment of migrant workers in the State party of the rights recognized in the Covenant. Please indicate whether the State party intends to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (ARTS. 6-15)

Article 6: The right to work

10. Please provide information on the measures taken by the State party to achieve its objective of a net employment rate for women of 65 percent by 2010.

11. Please explain why the so-called Voluntary Agreement on Ethnic Minorities with the Royal Association MKB-Nederland (the employer's association for small and medium-sized businesses to alleviate unemployment among minorities) was not extended beyond 31 December 2002.

12. Since unemployment among ethnic minorities is still three times higher than among ethnic Dutch people, please explain what measures have been taken to combat this phenomenon. In this connection, please indicate why the Employment of Minorities Act (SAMEN) was not extended on expiry and to what extent it has been successful in promoting employment for minorities.

13. Migrants who are lawful residents of the State party have the same rights and duties as Dutch nationals as far as employment is concerned. Does this also apply to other foreigners, including foreigners without residence permits? In particular, does the 1994 Equal Treatment Act apply to all categories of workers?

Article 7: The right to just and favourable conditions of work

14. Please explain the method for determining the legal minimum wage and whether it is sufficient to ensure an adequate standard of living for workers and their families.

15. Please explain why approximately 68,000 employees (or 1.1% of all employees) earn less than the statutory minimum wage.

16. Please provide information on the minimum working age for children and on the types of work that children under the age of 16 can lawfully perform.

17. The income gap between men and women decreased from 26% (1993) to 23% (1998). Please provide updated statistical data on income disparities between men and women and indicate by which date the State party expects to fully implement the principle of equal pay for equal work for men and women. Please also provide updated information on cases in which the courts and the Equal Treatment Commission found unjustified differences of pay for men and women.

18. Please provide information on the wages paid in the State party to nationals of new member States of the European Union and indicate to what extent labour inspection units ensure that such wages do not fall below the legal minimum wage.

Article 8: Trade union rights

19. The right to strike is restricted for some categories of public employees. What categories of public employees are excluded from exercising the right to strike and on the basis of what grounds?

Article 9: The right to social security

20. Please provide information on the measures the State party intends to adopt and implement in order to ensure that self-employed women have access to maternity leave benefits, given that private insurance contracts do not cover the first two years following the conclusion of such contracts.

Article 10: Protection of family, mothers and children

21. According to the State party's report, the rate of domestic violence in the State party is high, affecting more than 40 percent of women. Please provide information on the reasons for such a high rate, as well as on the results of the implementation of the Preventing and Combating Domestic Violence project.

22. Please explain why the integrated national safety policy of 2002 focuses on domestic violence in the public sector, although such violence primarily occurs in the private sphere.

23. Please provide information as to whether the National Action Plan to Combat Sexual Abuse of Children (NAPS) which expired in 2002 has attained its intended objective. Please state why the Plan was not extended on expiry.

24. Since prostitution is legal in the State party, please explain what measures have been adopted and implemented to combat trafficking in women and children for purposes of sexual exploitation.

25. Please explain why persons under the age of 18 who are married or in a formal co-habitation relationship are not considered as minors.

Article 11: The right to an adequate standard of living

26. Since the main objective of the overall development cooperation policy of the Netherlands is to combat extreme poverty, please indicate whether this policy has attained its objective, especially with regard to women, ethnic minorities, persons with disabilities and the disadvantaged and marginalized groups.

27. Please provide information on the causes of homelessness in the State party and indicate whether the State party has developed a strategy to address this problem effectively.

Article 12: The right to physical and mental health

28. Only 60 percent of the population is insured against the costs of curative medical treatment. Please explain how the rest of the population is covered.

29. Please provide information as to the manner in which the Exceptional Medical Expenses Act (AWBZ) interacts with the Health Insurance Act (ZFW) and on the medical expenses covered under each Act. In this regard, please also provide information on the new Health Insurance Act which will come into operation in 2006.

Articles 13 and 14: The right to education

30. Please indicate whether all children residing in the State party enjoy the right to education under the Compulsory Education Act.

31. Please explain to what extent the minimum working age of 16 years is compatible with the fact that education is compulsory for 12 years in the State party.

32. Please indicate whether the State party intends to adopt effective measures to combat the increasing segregation of ethnic minority pupils from ethnic Dutch pupils, particularly in Amsterdam.

Article 15: Cultural rights

33. Please provide information on the measures taken by the State party to ensure access to cultural life for individuals and groups belonging to ethnic minorities, as well as on specific programmes designed to preserve their cultural identity.