



**Economic and Social
Council**

Distr.
GENERAL

E/C.12/NLD/Q/4-5
22 December 2009

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Forty-third pre-sessional working group
23-26 November 2009

**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 combined fourth and fifth periodic report of the Netherlands /E/C.12/NLD/4-5) and the
fourth periodic report of the Netherlands Antilles (E/C.12/NLD/4/Add.1)**

I. GENERAL FRAMEWORK WITHIN WHICH THE COVENANT IS IMPLEMENTED

1. Please indicate the measures, including training and awareness-raising for law enforcement officers, undertaken to combat discrimination against migrants and persons of foreign origin in the fields of employment, housing, health care, education and culture.
2. Please indicate the ways in which the domestic legal system provides an effective remedy to persons whose rights under the Covenant have been violated.
3. While noting the State Party's reply in its report (E/C.12/NLD/4-5, para. 11), please indicate whether, in accordance with the Committee's recommendations issued in 2006, there have been any recent developments to ensure that the provisions of the Covenant are given effect by domestic courts.
4. Please indicate if the State party has adopted a national plan of action on human rights in accordance with the Vienna Declaration of 1993, and whether any steps have been taken to establish

an effective national human rights institution in accordance with the Paris Principles of 1991.

5. Please provide updated information on where the process currently stands concerning withdrawal of the reservation to article 8 (1) (d) of the Covenant, with respect to the Netherlands Antilles (E/C.12/NLD/4/Add. 1, para. 28).

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

Article 2, paragraph 2 – Non-discrimination

6. Please indicate what steps have been taken as a response to the evaluation of the Equal Treatment Act (E/C.12/NLD/4-5, para. 130).

7. Please provide information on the effect of the efforts made to prevent the dissemination of racist propaganda described in the State party's report (E/C.12/NLD/4-5, part II.E).

8. Please provide information on measures taken to combat discrimination relating to age, disability and sexual orientation in the labour market and health-care services.

Article 3 – Equal rights of men and women

9. Please indicate what concrete steps, including legislative, budgetary and administrative steps, the State party intends to take to address the disadvantaged position of women, in particular that of immigrant women, compared to men in relation to wages, access to the labour market and political representation.

III. ISSUES RELATING TO SPECIFIC PROVISIONS OF THE COVENANT (arts. 6 – 15)

Article 6 - Right to work

10. Please describe how the financial crisis has affected unemployment, both in the Netherlands and the Netherlands Antilles. Please provide disaggregated (by gender, age and ethnicity) and updated information on the rate of unemployment and underemployment in the State party.

11. Please provide information on measures taken to combat the problem of difficult access to the labour market for ethnic minority women, due to their wearing of a headscarf or not speaking fluent Dutch.

Article 7 - Right to just and favourable conditions of work

12. Please provide information on whether the minimum wage in the Netherlands Antilles provides workers and their families with a decent standard of living (E/C.12/NLD/4/Add. 1, para. 24).

13. Please provide details of policies and programmes aimed at ensuring the rights of domestic workers, especially in the Netherlands Antilles, to receive remuneration equivalent at least to the official minimum wage, so as to benefit from adequate social security and to enjoy just and favourable working conditions.

14. Please provide information on any measures taken to protect women against discrimination in the labour market on grounds of pregnancy and motherhood.

15. Please provide detailed information on the results of the work-life balance projects described in the State party's report (E/C.12/NLD/4-5 para. 66).

Article 8 – Trade union rights

16. Please elaborate on the implementation of workers' rights, including collective bargaining rights, the incidence of strikes, and the extent to which the restrictions on the right to strike under domestic law are compatible with the Covenant.

Article 9 - Right to social security

17. Please indicate whether the Benefit Entitlement Act (Koppelingswet, Stb. 1998, 203) excludes any persons based on their nationality or legal status from social security benefits.

18. Please indicate if there will be a compensation arrangement for self-employed women who did not receive maternity leave benefits before the new legislation providing such benefits came into effect in July 2008.

Article 10 – Right to marry and found a family, protection of the family, mothers and children

19. Please provide information on the results of the 2008 major public survey on domestic violence mentioned in the State party report (E/C.12/NLD/4-5, para. 105).

20. Please elaborate on the efforts made by the State party to redress the situation of child sexual abuse in the State party, as recommended by the Human Rights Committee in July 2009 (CCPR/C/NLD/CO/4, para. 17).

21. Please provide information on the availability of full-time and part-time child care and appropriate after-school programmes.

22. Please provide information on any steps taken to make human trafficking a specific criminal offence under Antillean law.

23. Please provide information on the minimum age at which a child can be tried under adult criminal law, and at which age a child can be sentenced to life imprisonment in the Netherlands Antilles.

Article 11 – The right to an adequate standard of living

24. Please indicate what measures have been taken to address the problem that some 10 per cent of households in the State party live below the poverty line.

25. Given that there are reportedly some 140 food banks in the State party, please indicate what concrete measures have been taken by the State party in relation to food security, and their outcome.

26. Please provide information on the extent of homelessness and malnutrition among asylum-seekers and immigrants without legal residence. Please also indicate whether such persons are entitled to benefits under the Work and Social Assistance Act (Wet Werk en Bijstand, Stb. 2003, 375).

27. Please outline the measures taken to remedy the housing situation of the most disadvantaged and marginalized individuals and groups, such as immigrants without legal residence and drug addicts.

28. Please provide detailed and updated information on the nutritional status, in particular in the Netherlands Antilles, of immigrants, homeless people, single-parent families, children, unemployed people, low-income earners, older persons, persons with disabilities, persons living in rural areas, refugees and asylum-seekers, and their ability to access adequate, affordable and appropriate food and water.

Article 12 – Right to the highest attainable standard of physical and mental health

29. Please clarify whether the right to health is guaranteed to immigrants without legal residence, and provide detailed information on their access to universal health coverage.

30. Please clarify whether everyone in the State party has health insurance or access to affordable health care.

31. Please provide information on any measures taken to reduce the number of children and adolescents on waiting lists for mental health services in the Netherlands. Please also indicate details of the proportion of public expenditure spent on mental health care.

32. Please provide information relating to the legislative framework governing abortions in the Netherlands Antilles, and on whether there are any differences between such legislative framework and the prevalent practice.

Articles 13 and 14 – Right to education

33. Please provide details on the proportion of public expenditure spent on primary and secondary education, disaggregated on an annual basis, according to public and private schools.
34. Please provide information on the access to school for children lacking documentation and, in particular, unaccompanied children.
35. Please provide information on the adequacy and effectiveness of support for children with disabilities aimed at enabling them to participate fully in, and complete, primary, secondary and higher education.

Article 15 – Cultural rights

36. Please provide information on the enjoyment of the right to participate in, and benefit from, cultural life, such as access to cultural activities and cultural goods and services, especially by disadvantaged and marginalized individuals and groups in society, including persons with disabilities, older persons, immigrants and persons from ethnic, religious and linguistic minorities, in line with the Committee's general comment No. 21 (2009) on the right of everyone to take part in cultural life (E/C.12/GC/21).
