



# Economic and Social Council

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## Committee on Economic, Social and Cultural Rights

### List of issues in relation to the seventh periodic report of the Kingdom of the Netherlands\*

1. The State party is invited to submit in writing the information requested below (preferably not exceeding 10,700 words) by 31 October 2024.

#### A. General information

2. Please provide information on the measures taken to ensure the justiciability of economic, social and cultural rights in the State party's domestic legal order. Please also provide information on the cases, if any, in which Covenant provisions have been invoked before or applied by domestic courts, including the number of such cases and examples thereof. Please further provide information on how the legislature was involved in the implementation of and follow-up to the previous concluding observations<sup>1</sup> and in the development of the seventh periodic report.<sup>2</sup>

3. Please provide information on any plans to ensure that constitutional reviews of acts of parliament by the judiciary encompass economic, social and cultural rights. With regard to the information contained in the State party report,<sup>3</sup> please also provide specific examples, including their outcomes, of how the guides published to ensure compliance with economic, social and cultural rights have been used in legislative and policymaking processes in the State party.

4. Please provide information on the implementation and preliminary results of the 2020 National Action Plan on Human Rights referred to in the State party report.<sup>4</sup> With reference to the Committee's previous concluding observations,<sup>5</sup> please also provide information on any steps taken or planned towards the adoption of national action plans on human rights for Aruba, Curaçao and Sint Maarten.

5. With reference to the Committee's previous concluding observations,<sup>6</sup> please provide information on measures taken to reduce disparities in the implementation of the Covenant among the constituent countries of the State party and between the European Netherlands and the Caribbean Netherlands (Bonaire, Saba and Sint Eustatius), including measures taken to provide the Netherlands Institute for Human Rights with the financial resources necessary to fully execute its mandate in the Caribbean Netherlands. Please also provide an update on

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\* Adopted by the pre-sessional working group at its seventy-third session (16–20 October 2023).

<sup>1</sup> [E/C.12/NLD/CO/6](#).

<sup>2</sup> [E/C.12/NLD/7](#).

<sup>3</sup> *Ibid.*, para. 9.

<sup>4</sup> *Ibid.*, para. 19.

<sup>5</sup> [E/C.12/NLD/CO/6](#), para. 8.

<sup>6</sup> *Ibid.*, para. 15.



the progress made in establishing a national human rights institution in Curaçao, as discussed in the State party report,<sup>7</sup> as well as in Aruba and Sint Maarten.

6. In the light of the Committee's follow-up to its concluding observations,<sup>8</sup> please provide information on:

(a) How the domestic implementation of the National Action Plan on Business and Human Rights is reflected in the annual human rights report and when the responsible business conduct reports are issued;

(b) The establishment of legal obligations for business entities to respect economic, social and cultural rights and to apply the principle of due diligence throughout their operations, including information on specific legal obligations, if any, for business entities that operate abroad or are involved in international supply chains;

(c) The progress made in overhauling the oil refinery industry in Curaçao with a view to averting pollution.

7. Please provide information on measures taken by the State party with regard to the mitigation of climate change, including specific measures, and their impact, to meet the nationally determined contributions for reducing emissions that the State party has set itself under the Paris Agreement. Please also provide information on the progress made in reducing per capita greenhouse gas emissions and on targets that the State party has set for further reductions. With respect to climate change adaptation policies and measures, please provide information on:

(a) How the State party assesses the impacts of climate change on the enjoyment of economic, social and cultural rights, in particular for marginalized and disadvantaged individuals and groups;

(b) Whether the State party has developed or plans to develop a national adaptation plan, with an adequate allocation of all required resources, to address the impacts of climate change on, inter alia, economic, social and cultural rights;

(c) Measures taken to strengthen preparedness for and responses to natural disasters, disaster risk reduction measures and measures taken to adopt a strategy to this end, with an adequate allocation of financial resources;

(d) Which institutions are tasked with the development and implementation of climate change adaptation measures and policies for slow-onset impacts in different areas, such as agriculture, housing and health, and how coordination among the institutions responsible for disaster preparedness and management is ensured.

8. Please provide information on the implementation of the Recovery and Resilience Plan, adopted in 2022, and its preliminary outcomes with regard to the realization of economic, social and cultural rights.

## **B. Issues relating to the general provisions of the Covenant (arts. 1–5)**

### **Maximum available resources (art. 2 (1))**

9. Please provide updated information on the evolution of the following, covering the past 10 years:

(a) The proportion of the population living below the nationally defined poverty line;

(b) Levels of inequality, before and after taxes and transfers, if possible defined as the ratio between the total income of the richest 10 per cent of the population and the total

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<sup>7</sup> E/C.12/NLD/7, para. 74.

<sup>8</sup> See [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FFUL%2FNLD%2F34555&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2FCESCR%2FFUL%2FNLD%2F34555&Lang=en).

income of the poorest 40 per cent and as the ratio between the assets owned by the richest 10 per cent of the population and the assets owned by the poorest 50 per cent;

(c) The economy, in particular through the annual variations of gross domestic product (GDP), GDP per capita and the level of public debt in proportion to GDP;

(d) The proportion of public revenue generated through taxes and as a percentage of GDP, the proportion of public revenue obtained through direct and indirect taxes, the corporate tax revenue rate and the percentage of total revenue generated from personal tax collected on the incomes of the richest 10 per cent of the population, as well as provide an evaluation of the amount of tax evasion and tax avoidance and the fiscal cost of the main tax benefits;

(e) Public expenditure as a percentage of GDP and, within total public expenditure, the proportion of the public budget allocated to social spending, including social security, food, water and sanitation, housing, health and education;

(f) The proportion of the public budget allocated to defence;

(g) Any fiscal policies adopted in response to the coronavirus disease (COVID-19) pandemic.

#### **Non-discrimination (art. 2 (2))**

10. Please provide information on cases of discrimination recorded over the past five years, including the number and nature of the complaints received by the Netherlands Institute for Human Rights, anti-discrimination bureaux and other relevant institutions, as well as the outcomes of those cases. Please include information on the number of discrimination cases brought before the courts, detailing the types of discrimination involved, the prosecutions initiated and the sentences imposed, in both the European and the Caribbean Netherlands.

11. With reference to the information provided in the State party report,<sup>9</sup> please provide detailed information on the adoption and implementation of the new national action programme to combat discrimination and racism. Please also provide further information on the national commission to be set up to study and investigate discrimination and ethnic profiling. Please further provide information on the progress made in enacting equal treatment legislation in the Caribbean Netherlands.

12. Please provide information on measures taken to prevent and address violations of economic, social and cultural rights through the use of algorithmic decision-making systems in the public sector.

13. Please provide information on measures taken, and their impact, to prevent and combat discrimination against Roma, Sinti and Travellers with regard to access to education, employment and housing.

#### **Equal rights of men and women (art. 3)**

14. Please provide information on:

(a) Measures taken to address gender stereotypes, to assess the value of unpaid care work performed primarily by women and to support men and women in sharing domestic and care responsibilities while pursuing their careers;

(b) Measures taken, and their impact, to enhance the economic independence of women and reduce violence against women, in particular in the private sphere, and whether the promotion of economic independence forms part of the State party's policies to combat violence against women;

(c) Efforts made to further narrow the gender pay gap, and the progress made in the implementation of the action plan on labour market discrimination in relation to encouraging companies and institutions to uphold the principle of equal pay for work of equal

<sup>9</sup> [E/C.12/NLD/7](#), para. 34.

value and to further enhance the representation of women in decision-making and management positions in both the public and the private sectors.

## **C. Issues relating to the specific provisions of the Covenant (arts. 6–15)**

### **Right to work (art. 6)**

15. Please provide comprehensive information on the Action Plan on Labour Market Discrimination for the period 2022–2025, including its monitoring and compliance mechanisms and key performance indicators. Please indicate the preliminary results of the actions referred to in the State party report,<sup>10</sup> including their impact on reducing unemployment among persons belonging to ethnic minorities, in particular women. Please provide updated information on labour market participation, employment, unemployment and underemployment during the reporting period, including annual data disaggregated by sex, gender, disability and ethnic or national origin.

16. Please provide information on the prevalence of temporary and flexible employment arrangements in the State party and their impact on the enjoyment of economic, social and cultural rights by workers. Please also provide information on measures taken to address the prevalence of involuntary part-time working arrangements, in particular among women.

### **Right to just and favourable conditions of work (art. 7)**

17. Please provide information on mechanisms in place to protect migrant workers, including those from other European Union countries, from discrimination and labour exploitation. Please also provide information on labour inspections carried out to assess the working conditions of migrant workers, and please indicate the main issues identified and the measures taken to address them. Please provide information on the complaints brought by migrant workers, including the number of such complaints and their outcomes.

18. Please provide information on the coverage and enforcement of the minimum wage, the indexation of the minimum wage to inflation and the measures taken or envisaged to increase the minimum wage to a level that provides workers and their families with a decent standard of living.

19. Please provide information on specific measures taken to combat sexual harassment in the workplace, in particular against women, and to encourage victims to report it. In this regard, please also provide information on the number of complaints of workplace sexual harassment filed in recent years, the number of cases investigated and prosecuted, the remedial measures made available to victims and the penalties imposed on perpetrators.

### **Trade union rights (art. 8)**

20. Please provide detailed information on:

(a) How the State party ensures the right of trade union representatives to access workplaces, including digital spaces, as well as any relevant statistics in that regard;

(b) Mechanisms in place to ensure that the will of the most representative workers' organizations is taken into account during the negotiation, conclusion and extension of collective agreements;

(c) Measures in place to ensure the effective exercise of the right to strike, in accordance with article 8 of the Covenant, including information on the implementation in practice of article 10 of the Posting of Workers by Intermediaries Act, which prohibits temporary employment agencies from supplying workers to a company that is experiencing a strike.

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<sup>10</sup> Ibid., paras. 44–47.

**Right to social security (art. 9)**

21. Please provide information on specific measures taken to ensure the adequacy and accessibility of the social security system, in particular for persons with disabilities. Please also provide information on measures taken to ensure that the level and coverage of social security benefits across municipalities are sufficient to provide recipients with an adequate standard of living.

**Protection of the family and children (art. 10)**

22. With reference to the Committee's previous recommendations,<sup>11</sup> please provide information on measures taken to combat domestic violence and child abuse, in particular in Aruba and Sint Maarten, and on mechanisms to monitor the capacity of municipalities in all parts of the State party to ensure that victims have access to quality services. Please also provide comprehensive updated disaggregated data, including information from all the constituent countries of the State party, on the number and nature of reported cases of domestic violence and child abuse, convictions and penalties imposed on perpetrators and any assistance or rehabilitation measures provided to victims.

23. Please provide information on the implementation of regulations and practices concerning family reunification for recognized refugees and provisionally admitted persons. Please include statistical data on the total number of applications for family reunification that have been received and on the number that have been accepted.

**Right to an adequate standard of living (art. 11)**

24. Please provide information on measures taken, and their outcomes, to protect persons at risk of poverty or social exclusion, with a particular focus on persons with a migrant background and persons with disabilities. In particular, please include comprehensive information on the steps taken, and their results, to address poverty in the Caribbean Netherlands, including the establishment of a poverty threshold.

25. Please indicate the extent to which existing housing programmes will enable the State party to address the shortage of housing, including social housing, affordable housing for middle- and lower-income groups and housing for migrant workers. Please also indicate the extent to which the State party's housing and urban planning policies are inclusive and benefit disadvantaged and marginalized groups.

26. Please provide information on the current capacity and actual occupancy of reception centres, including emergency shelters, for asylum-seekers, the extent of overcrowding in such facilities, measures taken to prevent and address overcrowding and the effectiveness of those measures. Please also provide information on access to economic, social and cultural rights, in particular the rights to adequate housing, water and sanitation and health care, in reception centres.

**Right to physical and mental health (art. 12)**

27. Please provide information on:

(a) Measures taken to ensure the accessibility, affordability, availability and quality of health-care services and infrastructure in the State party, including measures taken to address structural labour shortages in the health-care sector;

(b) Measures taken to provide accessible health care for older persons and persons with disabilities, including both those residing in residential care facilities and those receiving home-care services;

(c) Steps taken, and their impact, to combat non-communicable diseases, in particular cancer and cardiovascular diseases, including measures taken to reduce tobacco consumption in the State party;

<sup>11</sup> E/C.12/NLD/CO/6, para. 34.

(d) Measures, including legislative measures, taken or envisaged to ensure that intersex persons are not subjected to unnecessary medical or surgical treatment without their full and informed consent.

**Right to education (arts. 13 and 14)**

28. Please provide information on measures taken to improve the availability, accessibility and quality of education, including measures to address the shortage of teachers in both primary and secondary schools.

29. Please provide information on the process of formulating a new curriculum for primary and secondary education, including information on measures taken to ensure the meaningful and inclusive participation of stakeholders, such as civil society organizations, teachers, students and parents, in that process. Please also provide information on measures taken to ensure that the new curriculum covers human rights, including economic, social and cultural rights. Please further provide information on measures taken to implement the provisions of the administrative agreement between the central authorities and the Province of Fryslân relating to the decentralization of education, including the provision of qualified teachers.

**Cultural rights (art. 15)**

30. In the light of the Committee's previous concluding observations,<sup>12</sup> please provide updated information on the progress made towards the adoption of measures to reflect the history and cultures of Aruba, Curaçao and Sint Maarten in school curricula and to increase opportunities for children to study in local languages.

31. Please provide updated information on the implementation of the provisions of the administrative agreement between the central authorities and the Province of Fryslân relating to the use of the Frisian language and promotion of Frisian culture and the implementation of the Use of Frisian Act, in particular in criminal proceedings.

32. Please provide information on the State party's dialogue with the Roma, Sinti and Dutch Traveller communities in view of the recognition of their status as national minorities.

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<sup>12</sup> Ibid., para. 55.