



# Economic and Social Council

Distr.: General  
19 December 2025

Original: English

---

## Committee on Economic, Social and Cultural Rights Seventy-eighth session

### Summary record of the 42nd meeting

Held at the Palais Wilson, Geneva, on Tuesday, 16 September 2025, at 3 p.m.

*Chair:* Ms. Saran

## Contents

### Consideration of reports (*continued*)

- (a) Reports submitted by States Parties under articles 16 and 17 of the Covenant  
(*continued*)

*Seventh periodic report of the Netherlands*

---

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section ([DMS-DCM@un.org](mailto:DMS-DCM@un.org)).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.



*The meeting was called to order at 3.05 p.m.*

**Consideration of reports** *(continued)*

**(a) Reports submitted by States Parties under articles 16 and 17 of the Covenant**  
*(continued)*

*Seventh periodic report of the Netherlands* ([E/C.12/NLD/7](#); [E/C.12/NLD/Q/7](#);  
[E/C.12/NLD/RQ/7](#))

1. At the invitation of the Chair, the delegation of the Kingdom of the Netherlands joined the meeting.
2. **A representative of the Kingdom of the Netherlands**, introducing his country's seventh periodic report ([E/C.12/NLD/7](#)), said that the Kingdom of the Netherlands was made up of four autonomous countries: Aruba, Curaçao, Sint Maarten and the country of the Netherlands, which included the Caribbean islands of Bonaire, Sint Eustatius and Saba. Responsibility for implementing the Covenant in the autonomous countries lay with their respective authorities. The delegation consisted solely of representatives of the Netherlands and Aruba; any questions concerning Curaçao and Sint Maarten would be transmitted to their respective governments so that a response could be provided after the dialogue. The Netherlands currently had a caretaker government, which dealt only with urgent matters. The authorities were keenly aware of the need to constantly protect and strengthen economic, social and cultural rights. In preparation for the dialogue, they had held constructive discussions with the Netherlands Institute for Human Rights, trade unions and civil society organizations. Future discussions between the Government, the parliament and civil society would be shaped by the Committee's concluding observations and recommendations.
3. The Government's main priority throughout the coronavirus disease (COVID-19) pandemic had been to protect public health. Restrictions had been introduced to protect the most vulnerable persons, and rapid work had been carried out to ensure that vaccines were accessible to all. The measures taken to support workers and businesses had helped limit the impact of the pandemic on jobs and livelihoods. While the unemployment rate had risen in 2020, it had returned to pre-pandemic levels by the end of 2021 and had since remained below 4 per cent.
4. The Netherlands was one of many countries that had recently seen an increase in the cost of living owing to high inflation. Workers on low wages and persons receiving benefits had been particularly affected by that situation, which the Government had sought to address by increasing the minimum wage for full-time workers by between 28 and 42 per cent depending on the number of hours worked per week. Measures had also been introduced to make childcare more affordable for families. While the number of people living in poverty had fallen from more than 7 per cent in 2018 to 3 per cent in 2023, the authorities were aware that more work needed to be done in that area and had thus launched a national programme on poverty reduction.
5. Significant steps had been taken to strengthen the economic and social rights of migrant workers, certain groups of whom tended to be underpaid and live in poor conditions. The Government had commissioned an independent review of that situation, following which a number of recommendations had been issued. One key recommendation had concerned the establishment of a system designed to ensure that temporary employment agencies acted in compliance with national law. The legislation providing for that system would enter into effect in 2028 and would be enforced by the Netherlands Labour Authority. Other relevant bills concerned the development of a public housing programme and the strengthening of the protection available for migrant workers who rented accommodation. Information points for migrant workers had been opened across the country.
6. While the Netherlands had a comprehensive and generous social security system, that system had become increasingly complex. Over the past decade, problems with the childcare benefits system had resulted in the unjust cancellation of the benefits received by certain parents or caregivers. Rules had been applied in an overly strict manner, and certain aspects of the system had been found to be grounded in institutional racism and discrimination. A major operation to provide the persons concerned with fair compensation and assistance had

been launched in 2022. Steps were also being taken to reform the system to ensure that it was easier to understand and more people-centred and that persons receiving benefits had income security. The parliament was currently considering new legislation that would relax the rules regarding errors in benefit applications.

7. **A representative of Aruba, the Kingdom of the Netherlands**, said that 2026 would mark 40 years since the Aruban authorities had assumed direct responsibility for the implementation of the Covenant on the island, which was testament to the will of the Aruban people to shape their own economic, social and cultural development. The island's first-ever Ombudsman had been appointed in October 2024 in order to strengthen accountability, good governance and the protection of citizens' rights. The Aruban authorities were mindful of the challenges ahead of them but remained steadfast in their commitment to protect human rights.

8. **Ms. Rossi** (Country Rapporteur) said that she would like to know what steps the State Party had taken to ensure that the rights recognized in the Covenant were fully incorporated into its domestic legal order and applied in lawmaking and policymaking processes and in cases brought before the courts in all parts of the State Party's territory. She would welcome clarification of the comment contained in the State Party's replies to the list of issues ([E/C.12/NLD/RQ/7](#)) that the Covenant did not impose on States Parties an obligation to confer rights on individuals that could be invoked in a court of law, which was contrary to the widely accepted interpretation of the instrument. It would be useful to learn what had been done to reduce the disparities that existed between the European Netherlands and the Caribbean Netherlands in terms of the implementation of the Covenant. Details of any steps taken towards the ratification of the Optional Protocol to the Covenant would be appreciated.

9. She was curious to know whether the Netherlands Institute for Human Rights had a mandate to address violations of economic, social and cultural rights in the Caribbean Netherlands. The delegation might explain whether the Institute was assigned sufficient financial resources to fulfil its duties, in particular in the Caribbean Netherlands, and whether it had given effect to the recommendations made to it by the Global Alliance of National Human Rights Institutions. Information on any steps taken to establish national human rights institutes in Curaçao and Sint Maarten would be welcome.

10. She would be grateful for an update on the progress made in incorporating the European Union Corporate Sustainability Due Diligence Directive into national law and for an explanation of the State Party's position on the proposed amendments to that directive, which would weaken the standards it set out. It would be helpful to know what had been done to ensure that public and private companies under the State Party's jurisdiction complied with the Guiding Principles on Business and Human Rights and, where applicable, with the specific legal obligations for companies with extraterritorial operations. The delegation might also provide updated information on the outcome of efforts to implement the 2022–2026 National Action Plan on Business and Human Rights and on any mechanisms set up to monitor and guarantee the transparency of those efforts.

11. She would welcome the delegation's comments on reports that the State Party was failing to meet its nationally determined contributions for reducing greenhouse gas emissions and that its recent relaxation of climate-related rules would make the achievement of those targets even more unlikely. It would be helpful to know what the State Party was doing to ensure that its environmental and climate measures adequately protected the rights of the population groups who were most vulnerable to climate change, such as those in the Caribbean Netherlands, and promoted a fair and equitable distribution of the associated costs and benefits across all the State Party's territories. She wished to know what measures were being taken to give effect to the principle of common but differentiated responsibilities and respective capabilities, in particular in the areas of cooperation, technology transfer and climate financing and reparations for the Caribbean Netherlands. Information on the steps taken to address natural disasters and extreme weather events in the Caribbean Netherlands would be appreciated, as would details of the legal challenge filed by residents of Bonaire, as part of which they called on the courts to order the Government to reduce their greenhouse gas emissions in order to protect the island from the increasing threat posed by climate change. She would be interested to hear, too, about the most significant environmental challenges and waste management issues affecting Bonaire and about the restructuring of the oil refining industry in Curaçao to prevent further harm to the environment and the

population's health. The delegation might explain whether air quality standards in Curaçao were legally binding and aligned with those established by the World Health Organization.

12. She would appreciate information on any measures, taken or envisaged, to ensure that individuals, in particular those with the most assets, were taxed in proportion with their level of wealth. Details of any plans to increase inheritance tax and eliminate or reduce indirect taxes would be welcome, as would a description of the steps taken to tackle tax evasion and illicit financial flows. She wondered whether the State Party conducted assessments to gauge the amount of resources that were lost owing to tax evasion and to determine the cost of the main tax benefits it provided and their impact on the resources available to promote the enjoyment of economic, social and cultural rights in the State Party's territories and beyond. It would be interesting to learn what was being done to ensure that local and national budget preparation processes were transparent and participatory and what budgetary and other measures had been taken to tackle the inequalities within the State Party's European territory and between the European Netherlands and the Caribbean Netherlands.

13. The delegation might provide information on any assessments conducted to identify the systematic and structural causes of the discrimination faced by disadvantaged groups and on any temporary measures adopted to address that discrimination in the areas covered by the Covenant. She would welcome details, for example, of any policies and programmes aimed at tackling the prejudice and stigmatization faced by members of those groups, in particular refugees. She would be curious to hear about the bill that would introduce penalties for irregular migrants and ban municipalities from prioritizing refugees when assigning social housing. It would be useful to learn about the impact of the measures introduced to overcome the structural barriers that prevented persons in the Caribbean Netherlands from enjoying the rights enshrined in the Covenant on an equal footing with their counterparts in the European territory.

14. In view of reports of a persistent gender wage gap, she wished to know what progress had been made in implementing the European Union Pay Transparency Directive. She would be grateful for a description of any measures taken to address the disproportionate representation of women among part-time workers and tackle discrimination against pregnant workers. It would be interesting to hear what action was being taken to achieve substantive equality between men and women, what impact that action had had and what progress had been made in enhancing gender equality in the Caribbean Netherlands.

*The meeting was suspended at 3.35 p.m. and resumed at 3.40 p.m.*

15. **A representative of the Kingdom of the Netherlands** said that persons involved in legal proceedings were entitled to invoke provisions of international law provided that a national court had previously determined that the provisions concerned were binding on all persons. Very few cases involving the rights enshrined in the Covenant had been brought before the courts, which meant that its provisions had not been ruled to be binding. Despite that situation, there was a growing emphasis on ensuring the realization of economic, cultural and social rights. Lawmakers and policymakers were required to take economic, cultural and social rights into account in their work, and assessments were conducted to determine the impact that any new laws would have on the enjoyment of such rights. An internal manual on constitutional review was being updated in order to ensure that economic, social and cultural rights were taken into consideration in that process. Following a review in 2023, the Government had decided to prioritize ratification of the Optional Protocol to the Convention on the Rights of Persons with Disabilities. A decision regarding the ratification of the Optional Protocol to the Covenant would not be made until an assessment of the country's experience as a Party to the Optional Protocol to the Convention on the Rights of Persons with Disabilities had been conducted.

16. The Government was fully committed to meeting the targets set under the Paris Agreement and European Union legislation on climate change. Decisions on the best course of action for fulfilling those targets could not be made until a new government was in place. The National Climate Adaptation Strategy was currently under review ahead of the publication of the next edition in 2026. Action to address the situation in the Caribbean Netherlands would form an integral part of that edition. Steps were also being taken to develop reports and studies on the environmental and social impact of climate adaptation

measures and to promote the participation of young people in the relevant policymaking processes. The Royal Netherlands Meteorological Institute issued alerts ahead of extreme weather events. Policies for addressing such events were implemented by the Government, municipal authorities and water authorities.

17. The country's progressive tax system meant that persons with higher incomes paid more tax. The question of whether to increase inheritance tax would be addressed by the new government. The Government was an active and constructive participant in international discussions on tax reform and took the concerns of developing countries very seriously. It was currently supporting work within the Organisation for Economic Co-operation and Development (OECD) to address base erosion and profit shifting.

18. **A representative of the Kingdom of the Netherlands** said that the European Union Corporate Sustainability Due Diligence Directive was in the process of being amended, which meant that a time frame for its transposition by each member State had not yet been set. The authorities had continued to work on the sections of the national law on responsible business conduct that would not be affected by the amendments and would restart the transposition process once the amendments had been agreed. Responsibility for monitoring and enforcing the national law would lie with the Netherlands Authority for Consumers and Markets. While the Government generally supported the suggested amendments, which would help alleviate the administrative burden of the measures set forth in the directive, it did have concerns regarding a number of amendments put forward by the European Commission and opposed the proposal to remove the provisions on a harmonized civil liability regime.

19. All businesses that operated or were registered in the country were expected to implement the Guiding Principles on Business and Human Rights and the OECD guidance on due diligence for responsible business conduct and to identify aspects of their work that might have an adverse impact on human rights. Any company covered by the national law on responsible business conduct would be required to carry out due diligence. Groups of victims of human rights violations committed by businesses that operated or were registered in the Netherlands were entitled to claim damages through joint proceedings provided for under a law on collective action, which had entered into force in 2020. The Netherlands Enterprise Agency conducted checks to determine whether companies were complying with their responsible business obligations, and the Government could refuse to provide services to those that failed to do so. The implementation of the 2022–2026 National Action Plan on Business and Human Rights was monitored by an interministerial working group, which presented an annual progress report to the parliament and a biennial report to representatives of civil society organizations and businesses. Almost all the action provided for under the Plan was in progress or had been completed.

20. **A representative of the Kingdom of the Netherlands** said that the Netherlands Institute for Human Rights was empowered to investigate and give advice on human rights issues in the Caribbean Netherlands. Its mandate in those public bodies did not include handing down rulings in cases of discrimination; however, a bill that would empower it to do so as of 2026 had been submitted to the parliament. The expansion of its mandate would be accompanied by an additional budget allocation of approximately €200,000 per year.

21. The third national action programme against discrimination and racism, which covered discrimination in many areas of life and against various social groups, was being finalized. It had been drafted by the National Anti-Discrimination and Anti-Racism Coordinator, in cooperation with several ministries. The progress made in implementing the action programme would be monitored by the Coordinator, and the results would be made public.

22. Under the bill on priority access to social housing that was being prepared, asylum residence permit holders could still be granted priority access to social housing on the basis of acute needs, on an equal footing with Netherlands citizens. However, they would no longer be granted priority access solely on the grounds that they held that permit.

23. **A representative of the Kingdom of the Netherlands** said that two bills on asylum were pending approval by the Senate. The bills as amended during the parliamentary debate would establish that adult third-country nationals residing illegally in the Kingdom of the

Netherlands would be liable to prosecution if they were aware that their situation was illegal and had failed to leave the country before the deadline for voluntary return. The provision would apply only to cases in which return did not constitute a violation of article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), and it would not affect the right to education of minors or the right to necessary medical care.

24. **A representative of the Kingdom of the Netherlands** said that the Government had taken a range of measures to tackle gender stereotypes in education and employment. Between 2018 and 2024, it had run a series of awareness campaigns on gender roles, parental leave and the sharing of family responsibilities. The childcare allowance for working parents had been raised beyond the increase required by indexation in 2019, 2023 and 2024, and steps were being taken to make the childcare system more affordable and accessible. Paid and partially paid parental leave entitlements had been progressively increased since 2019 to help parents combine work with care responsibilities. An initial evaluation of the parental leave system had shown that employers were generally positive about paid parental leave but that efforts needed to be made to simplify the system for parents and to raise awareness of the options available. A more thorough evaluation of the system was under way, and the results would be available in early 2026.

25. The percentage of women in employment was among the highest in the European Union, and the average number of hours worked by women per week had increased from under 27 hours in 2014 to 28.5 hours in 2019. Nevertheless, part-time work remained more common among women than men. Various initiatives were under way to encourage women to work more hours per week and to improve employment contracts for women, including a research programme aimed at removing barriers in the healthcare, childcare and education sectors.

26. The gender pay gap had narrowed from 19 per cent in 2010 to 10.5 per cent in 2024, with faster progress in the public sector than the private sector. Measures were being taken to implement the European Union Pay Transparency Directive. In that regard, a bill had been drafted and submitted for public consultations.

27. A new law on the representation of women in decision-making positions had entered into force in 2022. According to an initial evaluation of its impact, the law had improved the gender balance on supervisory boards of listed companies, as the share of companies meeting the quota set out in the law had more than doubled since its entry into force.

28. **A representative of the Kingdom of the Netherlands** said that a case relating to climate change had been filed in January 2024 by Greenpeace International and eight inhabitants of Bonaire. Both parties were currently working on their substantive submissions, and hearings had been tentatively scheduled for 7 and 8 October 2025.

29. **A representative of the Kingdom of the Netherlands** said that the social security system in the Caribbean Netherlands differed from the system in the European part of the Kingdom of the Netherlands. However, there were plans to align the two systems, and social welfare benefits in the Caribbean Netherlands had been significantly increased in recent years.

30. **The Chair**, speaking as a member of the Country Task Force, said that she would like to know what would be done to strengthen the justiciability of economic, social and cultural rights and why those rights would not be addressed as part of the planned judicial review of the country's legislation. She wondered how the Government planned to strengthen human rights due diligence requirements to ensure that the activities of Netherlands corporations overseas did not affect people's access to natural resources.

31. In the light of reports that it was difficult for individuals to challenge violations of their economic, social and cultural rights before the courts and that there was a lack of jurisprudence in that area, she would be interested to know how the Government intended to ensure access to remedies for victims of violations and to raise awareness of existing guidance on compliance with economic, social and cultural rights.

32. The Committee was concerned that the enforcement of the Covenant in the area of business and human rights was insufficient, since it relied on voluntary measures rather than

binding obligations, and that there was a lack of monitoring and transparency in that area. It would be helpful if the delegation could comment on those concerns.

33. She wondered whether the delegation could provide some examples of cases in which the Government had provided assistance, including technology and financing, to developing countries that were particularly affected by climate change. She would like to know why spending on official development assistance had decreased in recent years and whether there were plans to increase it again to meet the United Nations target of 0.7 per cent of gross national income.

34. It would be useful to know what was being done to address concerns that there was no comprehensive centralized public register of beneficial owners of companies; that the oversight measures in place to prevent illicit financial flows and the misuse of public funds were insufficient; and that the authorities' efforts to combat corruption were not governed by a single national strategy.

35. Lastly, she would like the delegation to respond to reports that the State Party's participation in certain bilateral and European Union free trade agreements had put undue pressure on developing countries, particularly when it came to the protection of intellectual property rights.

36. **Ms. Rossi** said that she would appreciate clarification as to whether, in policymaking, economic, social and cultural rights were considered rights or merely guidelines. She would like more information on the remedies available to victims of violations of those rights. She would be interested to know why the State Party had signed but not yet ratified the Optional Protocol to the Covenant.

37. She wondered whether there was a general consensus among political parties on the proposal to criminalize migrants in an irregular situation and whether any alternatives to that proposal had been considered. She would like the State Party to explain how that proposal could be reconciled with its obligations under the Covenant.

38. Lastly, it would be helpful to know what progress had been made towards the development of a broader national statistics system in Aruba.

39. **Mr. Windfuhr** said that the State Party's decision to further cut its official development assistance came at a time when many developed countries were reducing their spending in that area, as well as their financial support for international organizations. There were major gaps in the provision of humanitarian aid, and the multilateral system was at risk of being weakened. He wished to know how the State Party planned to address those concerns, including at the European Union level. He would also like to know why the State Party had decided to reduce its spending on international support for least developed countries.

40. The Netherlands Environmental Assessment Agency had recently reported that the State Party's climate target for 2030 was becoming unattainable because climate mitigation targets had been lowered. It would be helpful if the delegation could comment on that concern and indicate how it might be addressed.

41. He would be interested to know what risks the Government foresaw for Netherlands companies at home and abroad in developing human rights due diligence; what kind of cases had been dealt with so far by the OECD national contact point for responsible business conduct; and how the Government's approach to business and human rights would be affected by the regulatory changes in that area at the European Union level.

42. **Mr. Bouzid** asked whether, based on its obligations under the Covenant, the State Party was considering the option of imposing an arms embargo on Israel until Palestinian human rights were respected and Israel ended its occupation of the Palestinian territory and its genocidal attacks against the civilian population in the Gaza Strip.

43. **Mr. Palmisano** said that he would welcome information and examples demonstrating that the basic economic and social rights of asylum-seekers and migrants in an irregular situation, including the rights to housing and healthcare, were adequately protected. He would also like to know about any cooperation with other European countries to ensure the

temporary reception and decent treatment of asylum-seekers and migrants fleeing war, violence, famine and extreme poverty.

44. **Ms. Crăciunean-Tatu** (Country Task Force) said that she would be interested to know whether the State Party was considering amending article 1 of the Constitution to include socioeconomic background and ethnic origin as protected characteristics. She would appreciate clarification as to which institutions were responsible for combating discrimination and how victims of discrimination could obtain redress.

45. **Ms. El Yedri Afailal** asked what measures had been taken to combat hate speech and discrimination, particularly against migrants from the Maghreb, by political leaders.

46. **A representative of the Kingdom of the Netherlands** said that economic, social and cultural rights were not viewed as mere guidelines to be taken into consideration. The State was bound by the Covenant and was making every effort to improve the way in which observance of those rights was incorporated into domestic lawmaking and policymaking.

47. The domestic courts had rarely applied the provisions of the Covenant directly, most likely because the wording of the Covenant implied that States Parties had an obligation to implement the provisions of the Covenant through their national legislation rather than an obligation to confer directly on individuals specific rights that could be invoked in a court of law. The rights enshrined in the Covenant called for a programmatic approach and their implementation required legislative measures to be taken and political decisions to be made.

48. The State remained committed to upholding the Paris Agreement and to achieving the climate goals set by the European Union. In fact, it was calling for an additional goal to be established for 2040 to ensure that the European Union as a whole remained on course to achieve its goal for 2050. Putting that commitment into practice was indeed a challenge, and some projects had proved less successful than others. It was also important to take into account the socioeconomic impact of environmental policy measures.

49. **A representative of Aruba, the Kingdom of the Netherlands**, said that Aruba had made progress on developing a more comprehensive national statistical system with the establishment of the National Statistical System Commission in Aruba in December 2021. The Commission would act as a governance framework within which the Central Bureau of Statistics would coordinate the joint collection and processing of data with other departments. The Commission had stated the need for new legislation to ensure that the national statistical system operated with independence, impartiality and due regard for information sensitivity; for a code of practice for all participants in the system to follow; and for a national strategy on official statistics that emphasized transparency and independence. The system would be implemented in phases, the first of which, set to begin by the end of October 2025, would be focused on population statistics and the second of which, set to begin by the end of 2025, would be focused on international trade statistics.

50. **A representative of the Kingdom of the Netherlands** said that the Government helped companies conduct business in line with the United Nations Guiding Principles on Business and Human Rights and OECD Guidelines for Multinational Enterprises on Responsible Business Conduct. The Netherlands Enterprise Agency ran a support centre for responsible business conduct that provided companies with helpful information and practical tools. The European Union Corporate Sustainability Due Diligence Directive would be incorporated into national law. The latest progress report on the implementation of the National Action Plan on Business and Human Rights for the period 2022–2026 had been published in 2024.

51. The main purpose of official development assistance provided by the Government was to improve economic development and prosperity in developing countries. The Government remained committed to the target of allocating 0.7 per cent of its gross national income to official development assistance, and human rights remained a fundamental part of its development policies. In February 2025, the Government had aligned the provision of development assistance more closely with the needs of countries with which it cooperated and national interests, including in the areas of safety and stability and migration, which it was supporting with programmes focused on water management, food security and health.



As the country currently had a caretaker Government, discussions held in the framework of the OECD Development Assistance Committee were ongoing.

52. The Government was of the view that its current arms exports control policy was sufficient to prevent undesired exports of military goods to Israel. No export licences were granted when a clear risk had been established that the goods in question could be used in the commission of serious violations of human rights or international humanitarian law. Given the current situation, the Government did not grant any licences for the export of military goods to Israel that could contribute to the activities of the Israel Defense Forces in the Gaza Strip or the West Bank. The only active export licence in which Israel Defense Forces was listed as the end user was for components for the Iron Dome anti-missile system.

53. **A representative of the Kingdom of the Netherlands** said that article 94 of the Constitution provided that provisions of international law could be invoked before the national courts if they had been determined to be binding on all persons. Under the Legal Aid Act, people with limited financial resources could qualify for State-funded legal assistance for any cases that they wished to bring to court. The importance of upholding economic, social and cultural rights was taken into consideration in policymaking and legislative processes, and new legislation was reviewed by the legal departments of the Ministry of Justice and Security and the Ministry of the Interior and Kingdom Relations to determine the extent to which it did so.

54. The constitutionality of legislation was not currently subject to judicial review from the point of view of economic, social and cultural rights because rights were formulated in the Constitution as open norms that required the Government to promote constitutional interests such as healthcare and environmental protection rather than being associated with specific obligations. The Government was also of the opinion that such a review would infringe on the division of powers between the legislative, executive and judicial branches. A legislative proposal to lift the ban on judicial review of statutory law with respect to fundamental rights had been submitted for consultation.

55. **A representative of the Kingdom of the Netherlands** said that, if the bill providing for the criminalization of migrants in an irregular situation was passed, they would only be prosecuted as a last resort. The Government would first have to attempt to apply alternative measures, including, as a priority, the voluntary return of such persons. In the event of convictions of such persons, return measures would still be applied as a priority. Asylum-seekers in the Kingdom of the Netherlands had the right to reception, including housing and meals, liability insurance, access to legal assistance and healthcare, recreation and integration activities and education for minors. Those rights were protected at all times and the Government worked continuously to improve its performance in that area. Migrants in an irregular situation were entitled to medically necessary healthcare at all times regardless of their status or ability to pay.

56. Cooperation with countries within and outside the European Union was essential to providing sufficient temporary reception capacity and meeting other challenges related to migration. The Pact on Migration and Asylum would enable the Government to optimize and accelerate asylum procedures. Cooperation with States outside the European Union and international organizations included the partnership for improving prospects for forcibly displaced persons and host communities (PROSPECTS), which was aimed at strengthening the economic and social inclusion of displaced persons in their host communities.

57. **The Chair** said that she would welcome up-to-date, disaggregated data on the number of migrants in the labour market and details of steps taken to combat discrimination against them. She wished to know how the State Party intended to make better use of the labour potential of migrant workers who were currently underutilized or unemployed. It would be helpful to know what measures were being taken to improve long-term employment rates and opportunities for migrants and asylum-seekers from outside the European Union, address disparities and inequalities affecting such persons and remove legal barriers to inclusive employment, language training and the implementation of other policies to improve job opportunities and create a more inclusive labour market. She wished to know what steps were being taken to protect the economic, social, cultural and political rights of undocumented migrant workers and to uphold the employment rights of refugee women. She wondered what

steps were being taken to address barriers to inclusive employment, social protection and adequate income support faced by persons with disabilities.

58. The delegation might comment on measures taken to address the precarious employment conditions faced by self-employed, on-call and part-time workers, including migrant workers, and to ensure that companies did not exploit such workers by using long and complex subcontracting chains to obscure employment relationships, circumvent taxes and social security contributions and avoid liability and checks by labour inspectors. She wondered what action had been taken to increase the minimum wage of approximately €14 per hour, which reportedly remained below the social minimum of approximately €16 per hour, and ensure that younger workers earned pay equal to other workers for equal work and that wage indexation was calculated taking into account factors such as inflation, price rises and annual pay increases rather than being based on collective labour agreements.

59. She wondered what was being done to address the high rate of occupational illness and fatalities in the workplace, strengthen the capacity of labour inspectors to enforce safety laws and otherwise combat workplace exploitation, especially of migrant workers. She wished to know what steps were being taken to protect worker's rights in line with article 8 of the Covenant, particularly the right to collective bargaining, to choose bargaining partners and to strike. It would be useful to hear what steps had been taken to ensure that the right to strike was not subject to limitations, that cases about the legality of past strikes were admitted by higher courts and that judges had to provide full justification for their rulings on them. She would be interested to know what steps the State Party was taking to enable municipalities to provide social security benefits in line with legislation, ensure that immigrants and refugees benefited from social security on an equal footing with other groups in the country, and close the gap with respect to benefits provided in the European Netherlands and the Caribbean Netherlands.

60. **A representative of the Kingdom of the Netherlands** said that, in November 2023, the Council of State had concluded that the restriction that asylum-seekers could only work for 24 weeks a year was against European law. That restriction had since been removed, aligning regulations in that area more closely with the Covenant and enabling asylum-seekers to work all year round, which had removed a significant barrier to their employment.

61. **A representative of the Kingdom of the Netherlands** said that the Government was setting up a network of "Work in NL" information points across the country and had launched an accompanying website with a view to providing information about living and working in the Kingdom of the Netherlands that would help protect both documented and undocumented migrants from exploitation. The Government also provided funding to FairWork, a civil society organization that helped migrant workers to exercise their rights, for example by claiming unpaid wages. A bill to amend section 273f of the Criminal Code to more effectively prosecute perpetrators of human trafficking and better protect victims of labour exploitation would be discussed by the Senate later in 2025. The capacity of the Netherlands Labour Authority had been expanded with the addition of 90 full-time positions to staff the admissions system for temporary work agencies, 25 full-time positions for monitoring such agencies and 30 full-time positions for its criminal investigations unit. Fines charged by the Netherlands Labour Authority were expected to increase by 18 per cent per violation and would now be indexed annually.

62. **A representative of the Kingdom of the Netherlands** said that the statistics on labour market discrimination had shown little improvement. The Netherlands Institute for Human Rights had recorded 670 discrimination cases in 2022, 520 in 2023 and 621 in 2024. The bill to introduce requirements for employers to have objective recruitment policies and to strengthen oversight of such policies had been passed by the House of Representatives but the Senate had rejected it by one vote. The Government had launched a campaign to provide incentives to employers to ensure equal opportunities in the workplace, including by funding efforts by the Social and Economic Council to promote diversity in companies, creating specialized objective recruitment tools for sector-specific organizations and, in response to research showing that employers were influenced primarily by other employers in their own region, creating local diversity boards to help them combat discrimination and develop diversity and inclusion policies. Although, owing to the unconscious nature of discrimination, the impact of the Action Plan on Labour Market Discrimination for the period

2022–2025 on different social groups and minorities was difficult to measure, labour participation among women had increased from 76.6 per cent in 2020 to 79.5 per cent in 2023, while labour participation among persons with disabilities had remained stable between 2022 and 2023, at approximately 50 per cent. The fact that labour participation among women with disabilities was 57 per cent, compared with 65 per cent among men with disabilities, showed that work remained to be done in that area.

63. Where necessary, the Ministry of Social Affairs and Employment took measures to ensure balanced income development, including by adjusting the tax rate, the minimum wage and pensions. After increasing the minimum wage several times during 2024, the Government would ensure that it remained stable and would continue to index it regularly. Research would be conducted on reductions of the minimum wage in 2023 and 2024 and the results made available in 2027.

64. Labour unions' access to workplaces was ensured through social dialogue, including collective labour agreements, which had the advantage of enabling the contracting parties to arrive at tailor-made arrangements. The Government had recently asked its social partners to conclude more such agreements with a view to improving that access. It would examine the situation in late 2027 and take further action if needed. Freedom of association and freedom of contract were of paramount importance in the country's collective bargaining system. The Government checked that parties wishing to enter into collective labour agreements were permitted to do so by their articles of association. To strengthen the collective labour agreement system and its legal framework, the Government was holding a dialogue with its social partners aimed at improving employers' and employees' organizations, ensuring the right to form trade unions and their independence, updating regulations on the extension of collective labour agreements and exemption from them and improving the coverage of such agreements, and would update the parliament on its progress in 2025. Unions could initiate summary proceedings concerning the right to strike and could appeal rulings prohibiting strikes before the courts of appeal and, subsequently, the Supreme Court. Given the duration of such proceedings, rulings from higher courts were primarily of relevance for future cases.

65. **A representative of the Kingdom of the Netherlands** said that the Government was currently strengthening the Participation Act, which governed the provision of social support to those who needed it, through a programme aimed at reducing long-term reliance on social assistance by simplifying regulations, empowering municipalities to provide targeted solutions and ensuring that benefits did not prevent people from entering employment. It was also working to establish a simplified system of benefits in the Caribbean Netherlands that was equal to the system in the European Netherlands. The Government reached out to migrant groups in connection with measures related to social support through key stakeholders, informal and religious networks and experts.

66. **A representative of the Kingdom of the Netherlands** said that, as of the beginning of 2025, the country had ratified all of the fundamental conventions of the International Labour Organization (ILO), including the Occupational Safety And Health Convention, 1981 (No. 155). The Government had developed a new vision on occupational safety and health that was focused on prevention and had the objective of eliminating occupational fatalities by 2040. Employers would be required to have policies for continuous risk identification and evaluation and labour inspectors would be given enhanced enforcement powers in that area. Efforts had been made to increase the number of specialist doctors working for companies and to improve relevant standards at the level of the European Union.

67. The minimum wage had increased by 14 per cent between 1998 and 2025. In determining the level of the minimum wage, the authorities took due account of European Union framework directive on minimum wages.

68. A reform agenda aimed at reducing the high number of people working on a self-employed basis had been agreed with social partners. The proposed measures were intended to put an end to the use of zero-hours contracts, provide more security for workers with flexible contracts and introduce disability insurance for self-employed workers.

69. **A representative of the Kingdom of the Netherlands** said that the specific medical insurance scheme for asylum-seekers was almost identical to the basic healthcare package that was provided to all residents of the Kingdom of the Netherlands under the Healthcare

Insurance Act. Persons who were granted refugee status became eligible for the same package of social security benefits, including those relating to healthcare and childcare and housing allowances, that were afforded to residents of the Kingdom of the Netherlands.

70. **A representative of the Kingdom of the Netherlands** said that the authorities were making efforts to enhance cooperation between the labour inspectorates in States members of the European Union, under the umbrella of the European Labour Authority. They had also requested the European Commission to make proposals designed to clarify the status of third-country nationals who had permission to work in one member State and were subsequently seconded to another.

71. **Ms. Lee** said that the Committee was concerned about the State Party's use of automated surveillance and fraud detection systems in the administration of social security benefits. She would therefore like to know what measures had been taken to suspend, review and remedy the use of automated profiling, which reportedly gave rise to systemic discrimination, and to restrict or prohibit the use of proxy variables, such as neighbourhood income, family composition and language proficiency, that might correlate with a particular socioeconomic status or migration background. She wondered how the State Party would ensure that automated decision-making and algorithmic systems, including those powered by artificial intelligence, did not replicate or reinforce structural discrimination, and what safeguards and independent oversight mechanisms would be put in place.

72. **Ms. Rossi** said that she would like to know what mechanisms were in place to enable migrant workers in an irregular situation to submit labour complaints to the administrative or judicial authorities. It would be helpful to receive details of the demographic composition of that group of workers and of the asylum-seeker and refugee populations.

73. She wished to know how the State Party planned to eliminate regional disparities in the employment of persons with disabilities and ensure the full application of the Participation Act, which set quotas for persons with disabilities in sheltered employment and what measures it was taking to improve oversight mechanisms to guarantee that municipalities met those quotas. She wondered whether technical assistance was offered to underperforming municipalities. It would be interesting to know what was being done to ensure the application of inclusive hiring practices, including through the use of financial incentives, and to guarantee equal access to employment for persons with disabilities, with a particular focus on women with disabilities. The delegation might describe any initiatives aimed at simplifying employment systems for persons with disabilities and guaranteeing the meaningful participation of such persons in the design of employment policies. She would like to know whether any concrete measures had been taken to ensure that social security benefits for persons with disabilities were sufficient to cover their basic needs, accounting for the additional cost that living with a disability entailed.

74. She would like to receive information about the social security system in Aruba and the benefits that were available to persons with disabilities living there.

75. **Mr. Windfuhr** said that he would like to know whether the measures taken by the State Party to reduce the number of people with flexible employment contracts had achieved their aim. The delegation might comment on the likely future impact of artificial intelligence on the labour markets and describe any plans to ensure that workers were trained to use artificial intelligence. He wished to know whether the State Party intended to adjust the pension age.

76. **A representative of the Kingdom of the Netherlands** said that, in 2021, municipalities had met only 79 per cent of the quota for sheltered employment; by 2024, that figure had risen to 96 per cent, and it was expected to reach 100 per cent in 2025. The Government had introduced a simplified subsidy system for employers who hired workers under the sheltered employment scheme and made improvements to regional social infrastructure. In 2013, an agreement had been concluded with the Association of Netherlands Municipalities to create 125,000 jobs for persons with disabilities. To date, only 90,000 jobs had been created, and there were plans to increase that number by expanding the target group at which the agreement was aimed, with a focus on a person's needs and talents.

77. **A representative of the Kingdom of the Netherlands** said that a number of State bodies used automated risk profiling, which necessitated a careful review process and ongoing monitoring of enforcement practices. The Netherlands Institute for Human Rights had developed a detailed risk profiling review framework to prevent discrimination on the basis of race or nationality and assist organizations in complying with strict standards on direct and indirect discrimination. The Ministry of the Interior and Kingdom Relations had developed guidance for government bodies on the testing of algorithms to detect and exclude bias and discrimination.

78. **A representative of the Kingdom of the Netherlands** said that in the first quarter of 2025, the working population had amounted to 9.8 million people, 2.7 million of whom had been employed under flexible contracts. Of the latter, 36 per cent worked on an on-call basis with no set working hours, 23 per cent had a fixed-term contract that might lead to a long-term contract, 14 per cent had a fixed-term contract of 12 months or more, 10 per cent had a fixed-term contract of less than 12 months and 13 per cent were agency workers. Despite the Government's efforts to provide greater job security, the number of workers on flexible contracts had not yet decreased. A bill was currently before the House of Representatives with the aim of abolishing zero-hours contracts for regular employees, with the exception of students and minors, improving job security for temporary agency workers and preventing situations in which a person was repeatedly rehired on a temporary basis to avoid offering him or her a permanent contract. The Government was confident that those measures would be sufficient to reduce the number of flexible contracts. A bill that was currently before the Senate had been designed to ensure that employment agencies that did not follow the rules set for them would be denied access to the labour market.

79. **Mr. Emuze** (Country Task Force) said that he would like to know how the Government intended to ensure that the social minimum benefit was raised to a level that was sufficient to lift children, particularly those in single-parent and migrant families, above the poverty threshold and what measures it planned to take to make childcare universally affordable and reduce regional inequalities in terms of access, especially for low-income and migrant families. He wished to know how the State Party would address the structural shortcomings in the youth protection system and ensure equal access to timely care in all regions.

80. It would be interesting to know whether the Government planned to adopt a comprehensive and coordinated national action plan on gender-based and domestic violence that made sufficient provision for shelters and specialized support services for children.

81. The delegation might provide information on the housing shortage in the State Party and on the rising level of homelessness, particularly among young people, migrants and people leaving institutions, including any plans to adopt a rights-based national homelessness strategy. It might also comment on how the authorities planned to reverse the decline in social housing and reduce waiting times. He wished to receive updated data on homelessness trends, based on the harmonized definition of homelessness for statistical purposes, the European typology of homelessness and housing exclusion (ETHOS), as well as an account of how the Government would ensure nationwide implementation of the "housing first" approach and end punitive local measures that effectively criminalized homelessness. He wondered how the authorities intended to mitigate the record rent increases that had been seen in 2023 and 2024 and, more generally, to ensure that the right to housing was given proper effect.

82. He would like to know whether a comprehensive national plan was in place to address food poverty and whether there were any plans to adopt a rights-based national strategy to tackle food insecurity that made provision for the routine use of the Food Insecurity Experience Scale developed by the Food and Agriculture Organization of the United Nations. The delegation might provide details of measures, other than emergency food aid, that were planned and explain how new initiatives to combat poverty, including increases in the minimum wage and benefits and the introduction of free breakfasts in certain schools, would be sustainable.

83. He wished to know what measures would be taken in the Caribbean Netherlands to reduce housing and utility costs, what timeline had been set for the implementation of the recommendations made by the Caribbean Netherlands Social Minimum Committee and for

the raising of minimum and income-related benefits to a level consistent with an adequate standard of living. He would be interested to know what targets had been set, and what funding had been allocated, for new affordable housing on the islands and what progress had been made since the most recent minimum wage increase had taken effect.

84. He would like to know whether the 2026 climate change risk assessment and the new National Climate Adaptation Strategy would include binding time-bound targets, earmarked funding and monitoring, with a particular focus on disadvantaged groups, and how safeguards would be given effect in the areas of housing, health and water. He wished to receive details of what the State Party intended to do to fully implement island-specific adaptation frameworks and to enhance inter-agency coordination among ministries and local authorities. The delegation might describe how adaptation governance would be streamlined and how interministerial coordination would be ensured in terms of water management. It might also provide information on island-specific financing pipelines and contingency planning for extreme weather and explain how the meaningful involvement of rights holders, including low-income households and persons with disabilities, would be ensured in such planning.

*The meeting rose at 6.05 p.m.*