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## Committee on Economic, Social and Cultural Rights

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Consideration of reports: reports submitted by States parties  
in accordance with articles 16 and 17 of the Covenant

## Replies of the Kingdom of the Netherlands to the list of issues in relation to its seventh periodic report\*, \*\*

[Date received: 30 October 2024]

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\* The present document is being issued without formal editing.

\*\* The annexes to the present document may be accessed from the web page of the Committee.



## I. The Netherlands

### A. General Information

#### Reply to paragraph 2 of the list of issues (E/C.12/NLD/Q/7)

1. The status of international law within the Dutch legal order is determined by articles 93 and 94 of the Dutch Constitution. Under Article 94, a provision of international law can be invoked before domestic courts if it is 'binding on all persons'. Domestic courts determine whether that is the case and therefore whether they can directly apply the provision.
2. In practice, domestic courts generally consider the rights laid down in the Covenant not to be 'binding on all persons', by virtue of their (general) wording, nature and scope. The Covenant provisions refer to social goals. The Covenant imposes on States Parties the obligation to implement these goals through national legislation, but not an obligation to confer rights on individuals that they can invoke in a court of law. Therefore, realisation of these rights generally requires a political decision regarding the available, affordable and effective means to do so.
3. The legislative and executive branches, however, must take economic, social and cultural rights into consideration. These rights are set out in manuals and guides which ensure compliance and are to be consulted during legislative processes, such as the Policy Compass, the Guide on Economic, Social and Cultural Rights and the Guide on Constitutional Review. Furthermore, these rights are also taken into account during internal and external checks of legislation drafted by the Dutch government.

#### Reply to paragraph 3 of the list of issues

4. The new Dutch government program, proposes to abolish the constitutional ban on constitutional review of Acts of Parliament by the judiciary and install a constitutional court to exercise this competence. The government has not yet laid out in detail its plans to implement this proposal. Even so, it seems likely that economic and social rights do not fall (squarely) within the scope of this proposal, as the aforementioned political program only mentions classical fundamental rights.

#### Reply to paragraph 4 of the list of issues

5. The Netherlands launched its second National Action Plan on Human Rights in December 2019. The Action Plan provides an overview of national human rights infrastructure and policies, and it sets out 60 actions aimed at improving the quality and accessibility of services for all. Nearly all the actions set out in the Action Plan have been started or completed.

6. Within the constitutional legislative framework for the Kingdom of the Netherlands each of the autonomous countries of the Kingdom has an obligation to promote the realisation of fundamental human rights and freedoms, legal certainty and good governance.

#### Reply to paragraph 5 of the list of issues

7. The Netherlands Institute for Human Rights (NIHR) has developed several actions on economic, social and cultural rights, concerning themes such as the right to an adequate standard of living, and housing rights. The NIHR issues non-binding findings on individual discrimination complaints, gives advice on legislation and policy at national and local level, informs parliament and the general public and cooperates with civil society organisations.

8. The 2024 BES Protection Against Discrimination Act (*Wet bescherming tegen discriminatie op de BES*) extends the scope of antidiscrimination legislation and the NIHR mandate to Bonaire, Saba and St Eustatius. Additional financial resources for 2024 (€100,000) and 2025 (€200,000) have been allocated to the NIHR for the purpose of executing this new task.

#### **Reply to paragraph 6 (a) of the list of issues**

9. The 2022–2026 National Action Plan on Business and Human Rights (NAP) is based on the UN’s Guiding Principles on Business and Human Rights. Various government ministries and implementing organisations are tasked with carrying out NAP action points, delivering results and sharing relevant findings. Yearly progress reports describe the current state of the plan’s implementation, the first of which was submitted in October 2023. A progress report is shared biennially with a focus group consisting of social partners and experts.

10. The implementation of the NAP is not addressed in the annual Human Rights Report. Results in this policy area are recorded in other reports, such as the forthcoming report on the results of development cooperation activities in 2023 and the NAP progress report. The Human Rights Report reflects on the Netherlands’ international human rights policy, efforts and results. The 2023 report largely focuses on the five thematic priorities of Dutch human rights policy abroad: freedom of expression, freedom of religion and belief, equal rights for LGBTIQ+ persons, protection of human rights defenders and strengthening of civil society, and equal rights for women and girls.

#### **Reply to paragraph 6 (b) of the list of issues**

11. Under the EU Corporate Sustainability Due Diligence Directive companies within its scope will be obliged to conduct due diligence on negative impacts related to human rights and the environment within their own operations and in parts of their value chain, including their entire supply chain. The Netherlands will transpose the directive into national legislation. Other EU legislation with a due diligence component, such as the Forced Labour Regulation, the Deforestation Regulation, the Corporate Sustainability Reporting Directive and the Conflict Minerals Regulation, has been or will be implemented.

#### **Reply to paragraph 7 (a) of the list of issues**

12. The Dutch government periodically performs a climate change risk assessment (CCRA) for all potential impact categories, such as health, nature, energy and agriculture. The next CCRA report will be published in 2026 and will focus on climate change impacts that affect disadvantaged individuals and groups. In 2023, a study of social vulnerability in relation to heat was conducted, linking geographical heat data with socioeconomic indicators such as age, health and income.

#### **Reply to paragraph 7 (b) of the list of issues**

13. The Dutch national climate adaptation strategy (NAS) was released in 2016. The national adaptation plan (2023) provides an overview of all national policies and actions aimed at improving climate resilience. It identifies five priorities, including steps to increase resources for adaptation and to ensure inclusive adaptation. The new NAS is currently under development and expected in 2026.

#### **Reply to paragraph 7 (c) of the list of issues**

14. The 2023 National Security Strategy for the Kingdom of the Netherlands includes a section on climate-related safety and security risks. As the Netherlands is a low-lying, flood-prone country, preventing water-related disasters is a priority. The Delta Act and the 2010 Delta programme ensure that the Netherlands is protected against flooding, prepared for weather extremes and has sufficient fresh water. The Disasters and Serious Accidents (Compensation) Act (*Wet tegemoetkoming schade bij rampen en zware ongevallen*) financially supports affected people in the event of natural disasters.

#### **Reply to paragraph 7 (d) of the list of issues**

15. All ministries are involved in the development and implementation of climate adaptation measures. These joint efforts are coordinated by the Ministry of Infrastructure and Water Management. In addition, regional authorities such as provinces and water authorities are tasked with the implementation of adaptation measures.

**Reply to paragraph 8 of the list of issues**

16. Measures in the Dutch Recovery and Resilience Plan (HVP) that contribute to the realisation of economic, social and cultural rights include:

- A grant scheme for lifelong learning aimed at Dutch residents unemployment or at risk of unemployment due to the COVID-19 pandemic;
- Disability insurance for self-employed persons, reforms of the pension system and measures to tackle bogus self-employment;
- Measures to improve the affordability and availability of housing including new construction projects and centralised planning;
- The introduction of a national healthcare reserve pool to improve healthcare capacity;
- Devices, online learning material and funding to schools to mitigate learning losses due to the COVID-19 pandemic.

**B. Issues relating to the general provisions of the Covenant (Articles 1–5)****Article 1 (2)****Right to freely dispose of natural wealth and resources****Reply to paragraph 9 of the list of issues**

17. See Annex 1 – Statistical Annex 1–6, for the requested information.

**Article 2 (2)****Non-discrimination****Reply to paragraph 10 of the list of issues**

18. The Netherlands Institute for Human Rights (NIHR) issues a yearly report on the number and types of complaints it receives.<sup>1</sup> Also, the anti-discrimination bureaux, the Police ('politie') and the other official reporting organisations issue a yearly report on the complaints about discrimination.<sup>2</sup>

**Reply to paragraph 11 of the list of issues**

19. A third National Action Programme against discrimination and racism is foreseen for early 2025. The final report on the investigation of the National Commission against Racism and Intolerance is expected in 2026.

20. Enactment of the draft law on equal treatment in the Caribbean Netherlands is foreseen for July 2026, as scheduled.

**Reply to paragraph 12 of the list of issues**

21. Dutch policy initiatives addressing the risks of the use of algorithmic decision-making in the public sector are part of the Values-Driven Digitalisation Work Agenda.

22. EU examples of policy action to regulate algorithms include the EU's Artificial Intelligence Act and negotiations on the Council of Europe Framework Convention on AI, Human Rights, Democracy and the Rule of Law. Domestic policy actions include the algorithm registry, which allows public sector bodies to provide information on the algorithms they use and how they affect individuals and businesses. As of April 2024, over

<sup>1</sup> This report can be found [here](#).

<sup>2</sup> These are: the Reporting Point Online Discrimination, the National Ombudsman, the Children's Ombudsman and the NIHR. The overview of 2020–2023 can be found in [this report](#).

100 public sector bodies have collectively published 330 algorithms, improving transparency surrounding the use and impact of public sector algorithms.

23. An implementation framework is being developed for responsible use of algorithms and AI systems in the public sector. The aim is to mitigate the risk of rights violations, by providing clear and specific guidance for public sector bodies on ensuring rights compliance. Further measures under development include making use of the algorithm registry mandatory, developing procurement standards for public sector algorithms and AI applications, and scaling regulatory capacity.

#### **Reply to paragraph 13 of the list of issues**

24. Policy measures to promote equality, inclusion and participation for Roma, Sinti and Travellers include:

- A total of 160 grants and 55 scholarships for higher education awarded under a 2000–2022 grant scheme for projects and activities to improve participation of and equal opportunities for Sinti and Roma. An evaluation of the results and follow-up of the programme is ongoing;
- Around €1 million in grants disbursed yearly to provide additional support to primary schools attended by at least four pupils with a Roma or Sinti background;
- The OWRS-programme provides national education support for Traveller, Roma and Sinti children, runs a helpdesk for schools and a network of partners including truancy officers and municipal policy staff;
- Seven municipalities were collectively granted €735,000 for a 2019–2022 pilot study to promote the participation of young Roma and Sinti in education and the labour market;
- A framework for municipal caravan and pitch policy provides local authorities with guidelines for human rights compliant housing policies for Roma, Sinti and Travellers;
- From 2021 to 2023, subsidies for 670 new pitches were granted;
- Legislation to enhance government coordination in the area of housing will include attention for the housing needs of caravan dwellers.

### **Article 3**

#### **Equal rights of men and women**

#### **Reply to paragraph 14 (a) of the list of issues**

25. In 2019, partners (e.g. fathers) obtained the right to one working week of paid leave after the birth of their child (referred to as childbirth leave for partners or partner leave). As of 2022, partners may also take nine weeks of partially paid leave at 70% of their salary. The objectives of these leave arrangements include facilitating the combination of work and care responsibilities, enabling an equal division of responsibilities and maintaining long-term labour market participation.

26. To enable parents to combine childcare with paid work, working parents receive the childcare benefit, which was increased above regular indexation in 2019, 2023 and 2024.

27. The Dutch government is currently conducting research into people's perceptions of the theme of gender equality on the labour market in order to better understand perceptions and formulate solutions to foster gender equality.

#### **Reply to paragraph 14 (b) of the list of issues**

28. The Dutch government has several programmes that focused on supporting women with a labour market disadvantage and enhancing their economic independence (for example, *Vakkundig aan het Werk*). Additionally, the government is taking measures to encourage

women to increase their working hours. These measures include making investments in leave arrangements and childcare and subsidising pilot projects aimed at removing bottlenecks.

**Reply to paragraph 14 (c) of the list of issues**

29. Part of the action plan on labour market discrimination (*Actieplan arbeidsmarktdiscriminatie*) is a voluntary agreement to create a more inclusive labour market. Industry associations, civil society organisations and companies are encouraged to raise their ambitions in the areas of inclusive recruitment and selection, retention and advancement.

30. Directive (EU) 2023/970 strengthens the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms. The Dutch government is working to swiftly implement this directive.

31. A new Dutch law (*Wet ingroequotum en streefcijfers*) sets gender balance quotas requiring listed companies to ensure that their supervisory boards are composed of at least one-third women and one-third men. If this is not yet the case, any new supervisory board appointment that does not contribute to gender balance will be invalid. Large companies must set appropriate and ambitious gender balance targets for senior management, be transparent about these targets and create plans for achieving them.

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

**Article 6**

**Right to work**

**Reply to paragraph 15 of the list of issues**

32. The Dutch government reports annually on the progress made in the Action Plan on Labour Market Discrimination 2022–2025.

33. See Annex 1 – Statistical Annex 10, for the requested information.

**Reply to paragraph 16 of the list of issues**

34. At the end of 2023, the total working population comprised 9.8 million people, of which 2.7 million were in flexible employment. Of that last group in flexible employment, 35% worked on an ‘on call’ basis with no set hours, 24% had a fixed-term contract with prospects of an open-ended contract, 15% had a fixed-term contract for one year or longer, 10% had a fixed-term contract for less than one year, and 14% were employment agency workers.<sup>3</sup>

35. Flexible work is more common among women, vocationally trained workers and people with a migration background. Flexible workers are less frequently economically independent and are at greater risk of poverty, unemployment and inactivity. As a result of this uncertainty, people postpone or even forego life events such as entering into a relationship, buying a home and having children.

36. The Council of State is currently assessing a bill (*Wetsvoorstel meer zekerheid flexwerkers*) which will give flexible workers greater employment and income security and improve their prospects of obtaining an open-ended employment contract.

<sup>3</sup> TNO/CBS (2023), *Verhouding typen flexcontracten - Flexbarometer*, EBB, Q4 2023.

## Article 7

### Right to just and favourable conditions of work

#### Reply to paragraph 17 of the list of issues

37. The Dutch government is taking a proactive role in protecting labour migrants from labour exploitation and discrimination. The Migrant Worker Protection Task Force (*Aanjaagteam bescherming arbeidsmigranten*) recommendations currently being implemented are focused on stepping up oversight of the temporary employment sector, improving housing options, enhancing enforcement against abuses, improving access to information, gaining better insights into migration movements and facilitating adequate healthcare. Important initial results include the 2023 submission of a bill to parliament to regulate the temporary employment sector.

38. By modernising human trafficking legislation, the Dutch government aims to enhance the effectiveness of the criminal law approach to human trafficking (including labour exploitation and harm to labour migrants) and improve the prosecution of offenders and protection of victims. The action plan on labour market discrimination and the work agenda 'For an Inclusive Labour Market' (*Voor een inclusieve Arbeidsmarkt*, VIA) should help protect labour migrants from discrimination.

#### Reply to paragraph 18 of the list of issues

39. The right to minimum wage is regulated in the Minimum Wage and Minimum Holiday Allowance Act (*Wet minimumloon en minimumvakantiebijslag*) and enforced by the Netherlands Labour Authority (NLA). As of 2024 the minimum wage is fixed per hour, which entails an increase in monthly pay of up to 11% for workers whose working week exceeds 36 hours under the collective labour agreement for their sector.

40. In principle, the minimum wage is indexed every six months based on the average change in contractual pay in the private and public sectors, rather than inflation or consumer prices. In practice, price increases tend to result in contractual pay rises. At least every four years the minimum wage is reviewed to determine whether an exceptional adjustment is desirable. The minimum wage and linked benefits were increased by 10.15% in 2023, 3.75% in January 2024 and 3.09% in July 2024. The inflation forecast for 2024 is 2.7%. As part of the implementation of the EU Directive on adequate minimum wages, indicative reference values will be used for the assessment of their adequacy.

41. The most recent assessment of the minimum wage shows the extent to which it is commensurate with the cost of living.<sup>4</sup> It also looks at measures pertaining to benefits and taxation such as benefits increases. It is up to the new government to take decisions about the adequacy and level of the statutory minimum wage.

42. In response to the report by the Committee on a minimum income standard for the Caribbean Netherlands (see reply to paragraph 24), the government has structurally increased the minimum wage in the Caribbean Netherlands.

#### Reply to paragraph 19 of the list of issues

43. Under the Working Conditions Act (*Arbeidsomstandighedenwet*) employers are required to create a safe work environment, introduce measures to prevent sexual harassment, and deal with reports and complaints of inappropriate behaviour. Employers can formulate and apply disciplinary measures. An exchange of views on an amendment to this Act that would require employers to appoint confidential advisers is currently in progress in the Senate. In addition, a mandatory code of conduct for employers and an independent complaints procedure are being developed.

44. In the Netherlands no records are kept of the number of complaints, investigations or prosecutions concerning sexual harassment in the workplace. However, the annual National

<sup>4</sup> Parliamentary Paper, House of Representatives 2023/2024, 29 544, no. 1230.

Working Conditions Survey<sup>5</sup> states the percentage of the working population in the Netherlands affected by ‘inappropriate sexual attention by customers, colleagues and/or managers’. The figure was 4.5% in 2023 and 4.4% in 2022.

45. In the National Action Programme to combat sexual harassment and sexual violence the government is working with civil society organisations to curb inappropriate sexual behaviour. We support employers in their efforts to handle reports of such behaviour with all due care and ensure a safe and supportive work culture. We work with social partners to develop measures such as a sector-based approach and training for managers, works councils and employees. With regard to the penalisation of perpetrators, employers can take disciplinary measures under private law and where applicable charges can be brought under the Sex Offences Act (*Wet seksuele misdrijven*).

46. Ratification legislation for the ILO Violence and Harassment Convention (C190) has been submitted to the Council of State which gave its advice in September 2024. Ratification legislation will soon be introduced to Parliament.

## Article 8

### Trade union rights

#### Reply to paragraph 20 (a) of the list of issues

47. The Netherlands has ratified ILO Convention 135 which states that facilities in the undertaking shall be afforded to workers’ representatives. The practical facilities for allowing trade union representatives access to the workplace are laid down in collective labour agreements (CLA). In 2022 research showed that in 75 of the 98 CLAs assessed, covering 71% of all workers under CLAs, arrangements are in place for facilities for trade union work, including access to the workplace.<sup>6</sup>

48. Facilities regulated in CLAs are access to meeting rooms and communication channels (32% of workers), arrangements regarding internal communication channels only (19%) and access to meeting rooms only (16%). For 5% of workers access to meeting rooms, communication channels and photocopiers is arranged in CLAs. Social partners however indicate that these figures might differ from practice. There are situations in which access is granted without formal arrangements, while there are also situations in which there are formal arrangements but individual employers do not grant access.

49. The House of Representatives recently requested to explore whether the government can better guarantee the right of trade union representatives to access workplaces. The government is working on this analysis.

#### Reply to paragraph 20 (b) of the list of issues

50. Due to the freedom of association and contract, collective bargaining parties are free to decide with whom they negotiate and conclude a CLA. These can also be concluded with smaller unions. We are in conversation with social partners about the CLA-system.

#### Reply to paragraph 20 (c) of the list of issues

51. The right to strike in the Netherlands is based on Articles 6 and G of the European Social Charter (ESC) and regulated by established Dutch case law. Under the ESC, this right can only be subject to limitation if prescribed by law and necessary in a democratic society for the protection of the rights and freedoms of others or for the protection of public interest, national security, public health, or morals.

52. Article 10 of the Placement of Personnel by Intermediaries Act (*Wet allocatie arbeidskrachten door intermediairs*) prohibits employment agencies and similar intermediaries from providing workers during a strike. In the event of a suspected violation,

<sup>5</sup> [https://www.cbs.nl/nl-nl/maatwerk/2024/16/nationale-enquête-arbeidsomstandigheden--nea--2023-onderzoeksbeschrijving?pk\\_campaign=social\\_share](https://www.cbs.nl/nl-nl/maatwerk/2024/16/nationale-enquête-arbeidsomstandigheden--nea--2023-onderzoeksbeschrijving?pk_campaign=social_share).

<sup>6</sup> Facilities for trade union activities (2023), Ministry of Social Affairs and Employment.

social partners or other concerned parties can submit a substantiated request to the NLA. Upon receipt of such a request, the NLA will conduct an extensive investigation in which all involved parties are obliged to collaborate. The resulting report is issued to the relevant stakeholders and can be used to initiate proceedings in civil court.

## **Article 9**

### **Right to social security**

#### **Reply to paragraph 21 of the list of issues**

53. Recent recommendations on the adequacy and accessibility of the social security system include an independent commission on bottlenecks in the Dutch work disability system (OCTAS), the Commission Social Minimum and reports by the National Ombudsman. In September 2024, the new Dutch government programme announced it would implement the recommendations of these and other reports by simplifying the system of social security, supplementary benefits and income taxes. The goal is to promote the accessibility and clarity of the social security system and prevent legal uncertainty.

54. The Dutch Employed Persons Insurance Administration Agency is currently working on a project to improve communication and familiarity on their programs for young persons with disabilities. Those who due to long-term disability can't work (fully or partially) also qualify for the Work and Income according to Labour Capacity Act (WIA). All Dutch citizens (with or without disability) can have their income supplemented up to the social minimum means of existence (*bijstandsnorm*). This is determined based on the minimum wage, age and living situation. The social minimum has increased along with recent minimum wage increases (see reply to paragraph 18).

55. These social security benefits and the social minimum applies to all Dutch residents across municipalities. Dutch municipalities can choose to have additional benefits based on municipal anti-poverty policies; these are supplementary to the social minimum.

## **Article 10**

### **Protection of the family and children**

#### **Reply to paragraph 22 of the list of issues**

56. See Annex 1 – Statistical Annex 7, for the requested information.

57. In the Netherlands' decentralised system, municipalities are responsible for implementing measures to combat domestic violence and child abuse. Municipal authorities collaborate with organisations that provide care and support. While central government does not have the authority to monitor the capacity of municipalities, consultations are held with municipalities about the problems they encounter.

58. The domestic abuse advice and reporting centre (*Veilig Thuis*) carries out interventions, ensures that assistance and support is deployed and conducts research. Individuals and professionals can contact *Veilig Thuis* if they suspect domestic violence or child abuse. the Domestic Violence and Child Abuse Protocol (*Meldcode huiselijk geweld en kindermishandeling*) helps professionals carefully consider and decide whether it is necessary to lodge a report with *Veilig Thuis*.

59. We do not have quantitative data about assistance and rehabilitation measures provided to victims. The data presented reflects the number of cases referred by *Veilig Thuis* to other organisations, not the total number of cases.

#### **Reply to paragraph 23 of the list of issues**

60. See Annex 1 – Statistical Annex 8, for the requested information.

61. An overview of recent policy developments:

- In 2020, the Aliens Act 2000 Implementation Guidelines (*Vreemdelingencirculaire*) was amended to allow investigating individual cases to establish whether an adult child has formed a family independently by entering into a relationship or marriage.
- In 2021, the Immigration and Naturalisation Service (IND) signed cooperation agreements with the International Organization for Migration (IOM) and the UN Refugee Agency (UNHCR). The IOM cooperates in the collection of DNA samples and UNHCR conducts video interviews in family reunification cases.
- In 2022, under a temporary measure regarding asylum family reunification, family members of beneficiaries of international protection were barred from travelling to the Netherlands for up to six months or until the beneficiary of international protection had adequate housing. The measure was abolished in February 2023 after the Council of State ruled that it was contrary to national law. Whether adult children of beneficiaries of international protection are eligible for family reunification must be assessed on a case-by-case basis, where age alone is not the determining factor. The procedure was adapted accordingly.
- As of 2022, official and unofficial supporting documents can no longer be assessed in isolation and must be assessed in their entirety and in conjunction to determine whether identity and family ties have been plausibly established. That same year, the government proposed amendments to the law on decision periods in asylum family reunification cases, extending the decision period for visa applications for family members of beneficiaries of international protection from 3 to 9 months. In December 2023, the Council of State ruled that individual applications for family reunification that have been denied must always be reassessed on the basis of Article 8 ECHR.

## Article 11

### Right to an adequate standard of living

#### Reply to paragraph 24 of the list of issues

62. At present, the minimum income standard for residents of the Caribbean Netherlands is not sufficiently safeguarded, and a large number of people live in poverty. The Dutch government has introduced the following significant investments aimed at reducing poverty in the Caribbean Netherlands and following up recommendations by the Committee on a minimum income standard for the Caribbean Netherlands:

- Starting in 2022 a structural budget of 30 million euros for poverty reduction in the Caribbean Netherlands;
- In 2024 an additional 30 million euros (and from 2025, 32 million euros) to increase incomes, reduce the cost of living and combat poverty in the Caribbean Netherlands;
- A temporary energy allowance for low-income households and an additional subsidy for electricity. In 2024, subsidies for drinking water and internet were temporarily increased;
- Free school meals in 2023 and 2024. €700,000 annually for public transport on the islands. The Bonaire Food Bank will receive an annual contribution of €300,000 from 2024 onwards;
- €1 million in 2023 and in 2024 to support local poverty policies with special attention for vulnerable groups such as parents who cannot afford school supplies or sports equipment.

#### Reply to paragraph 25 of the list of issues

63. A key element of housing policy is the National Housing and Homebuilding Agenda (*Nationale Woon- en Bouwagenda*), which is aimed at improving availability of affordable housing by building 981,000 new homes by 2030. Two-thirds of the new housing will be social rental housing, middle-income rental housing and affordable owner-occupied housing.

The Affordable Housing programme (*Betaalbaar wonen*) will promote and improve access to affordable housing by regulating the middle-income rental sector, building affordable homes, tackling high housing costs for low incomes and improving tenant and owner-occupier protections.

64. With the programme ‘A home for everyone’ (*Een thuis voor iedereen*), administrative agreements and legislation introduced to enhance government coordination in the area of housing (*wetsvoorstel Versterking regie volkshuisvesting*) we are striving for sufficient affordable housing and an even distribution of specific target groups among municipalities. Under the Landlords (Good Practices) Act (*Wet goed verhuurderschap*) labour migrants must be given information about their rights and obligations as tenants in a language they understand.

65. The Dutch Union of Tenants, the national body that represents tenants’ interests, has received an extra project grant for the period 2023–2025 to support tenant participation and input with regard to housing association activities (such as home renovation and demolition).

66. A national monitoring report on discrimination in the rental housing market is published yearly. The most recent monitoring report shows a slight decrease in discrimination. The results are discussed periodically with relevant parties at both official and political level. The Landlords (Good Practices) Act requires landlords and rental agencies to use a transparent and understandable selection process based on objective and relevant selection criteria and to explain to unsuccessful candidates why they were not selected. With government support, training courses are provided for estate agents to help prevent and combat discrimination in the home buying process.

#### **Reply to paragraph 26 of the list of issues**

67. See Annex 1 – Statistical Annex 9, for the requested information.

68. The Central Agency for the Reception of Asylum Seekers (COA) calculates the capacity of regular, emergency and temporary municipal shelters. In times of low availability, occupancy may exceed capacity. Adequate reception includes access to housing/shelter, water and sanitation, and healthcare.

69. Measures taken to ensure sufficient reception facilities include:

- Increasing the number of reception locations, which can vary in size;
- Working together with civil society organisations, such as aid organisations and churches, and with provinces to arrange reception sites and housing;
- Reducing occupancy in reception facilities by increasing housing, including through temporary relocation facilities and temporary housing in hotels, in addition to creating 375,000 temporary homes for beneficiaries and Dutch people.

## **Article 12**

### **Right to physical and mental health**

#### **Reply to paragraph 27 (a) of the list of issues**

70. In response to the increasing healthcare needs of an ageing population and limited capacity, the Dutch government is improving the fiscal sustainability, quality and accessibility of healthcare, while alleviating structural labour shortages.

71. The Healthy and Active Living Agreement with municipalities, health services and insurers, strengthens and expands public health interventions, with specific attention for vulnerable population groups. Government and the healthcare sector are taking joint action to strengthen the value of healthcare by focusing on those interventions that are most likely to produce patient-desired outcomes.

72. Public authorities, the healthcare sector and patients’ rights advocates are working together to strengthen primary care by improving digital care and data infrastructure, and integrating health services to better serve patients and contain costs. To alleviate labour

shortages, a programme for a future-proof labour market for the health and care sector is being implemented, combining various initiatives that stimulate innovative working methods, improve employment practices and encourage employee development and retention.

**Reply to paragraph 27 (b) of the list of issues**

73. The Dutch healthcare system provides accessible healthcare, while care administration offices and insurers have a duty of care and municipalities have a duty to provide support. The Care Needs Assessment Centre (CIZ) is an independent institution that assesses the care needs of individuals. A care-needs assessment issued by CIZ is needed to obtain access to long-term care, which can include both institutional and home care. The assessment is independent and based on a national legislative framework. There are various care profiles, both for the elderly and for people with disabilities. The assessments issued by CIZ are lifelong and are not reviewed annually or semi-annually.

**Reply to paragraph 27 (c) of the list of issues**

74. The 2018 National Prevention Agreement sets targets and means to reduce smoking, obesity and alcohol abuse rates.

75. To create a smokefree generation by 2040, the excise duty on tobacco was increased and flavoured e-cigarettes (vapes) were recently banned. The online sale of tobacco and e-cigarettes has been prohibited and offline sales significantly restricted. Model calculations show that while the National Prevention Agreement is helping to decrease smoking and obesity, the measures have had a minimal impact on problematic alcohol use. Greater efforts are needed to achieve these ambitions, so in 2023 an additional agreement was signed by public authorities and the healthcare sector to promote healthy lifestyles and reduce health inequalities by 2040.

76. As in other countries, the annual number of new cancer diagnoses has increased significantly in the Netherlands. In November 2023, the Dutch Cancer Collective (consisting of over 100 parties) launched the Dutch Cancer Agenda, which sets out 20 goals covering the entire pathway that cancer patients face. The Dutch government contributes to the agenda and underlying goals.

**Reply to paragraph 27 (d) of the list of issues**

77. The Dutch government is developing a DSD/Intersex guideline and conducting a study with stakeholders and healthcare professionals to determine how unnecessary medical or surgical treatments can be prevented. They are also examining the pros and cons of a legal ban on unnecessary medical and surgical treatments. Both the DSD guideline and the study are expected to be completed in the second quarter of 2024.

## **Articles 13 and 14**

### **Right to education**

**Reply to paragraph 28 of the list of issues**

78. The Inspectorate of Education assesses every school in the country once a year. On the basis of this annual performance analysis and any further investigations, the Inspectorate determines whether additional supervision is needed. *Peilonderwijs* is the totality of periodic surveys conducted throughout primary and secondary education, which provides input for a broad dialogue about the quality of education in a range of subject areas.

79. In the Netherlands there is a staff shortage in education. The government is investing an extra €1.5 billion on a structural basis to increase salaries in primary education, reduce work pressure and allow more time for development. In order to advance these goals, government and the sector have laid down agreements in a work plan aimed at enhancing education, entitled '*Samen voor het beste onderwijs*' ('Together for the best education').

#### **Reply to paragraph 29 of the list of issues**

80. In 2022 the Netherlands began revising the attainment targets, the statutory minimum requirements that schools must meet in the curriculum areas. The targets indicate what children should learn about and ultimately know. They do not prescribe the specific subject matter to be taught, nor do they impose any specific educational theory or teaching method. The Inspectorate oversees compliance with these requirements.

81. Each curriculum area has an attainment target team comprised of teachers, subject experts curriculum experts and an independent process manager. Over the course of one to two years they work to develop new provisional attainment targets. Throughout the process they receive advice from an advisory network including trade union representatives and civil society organisations as well as a specific consultation group on feasibility for pupils with specific education needs. This ensures that the provisional attainment targets will be broadly supported.

82. Trade unions have obtained a grant to fund their active role in the recruitment and selection of team members and the advisory networks.

83. Within the Dutch education system, education about human rights, including economic, social and cultural rights, falls under ‘citizenship’. The provisional attainment targets for citizenship are under construction, with a focus on human rights. In accordance with the freedom of education, schools have a great deal of latitude to determine how to organise their citizenship education.

### **Article 15**

#### **Cultural rights**

#### **Reply to paragraph 31 of the list of issues**

84. The Use of Frisian Act (*Wet gebruik Friese taal*) states that the central government and the province of Fryslân share a responsibility and duty of care for the Frisian language and culture. The details and priorities of this shared responsibility are set out in periodic administrative agreements. They include the visibility of Frisian, digitalisation of Frisian and Frisian in education and research.

85. Under the most recent administrative agreement central government has made €18 million available for the protection and advancement of the Frisian language and culture. The following amounts are specifically earmarked for education:

- €1.4 million yearly to optimise Frisian education, with specific attention to encouraging teachers of Frisian in primary and secondary education;
- €500,000 a year for five years for a Frisian language practical research group at secondary vocational education level;
- Financial resources for a university bachelor’s degree programme in Frisian language and culture;
- €250,000 for a minor in Frisian journalism.

#### **Reply to paragraph 32 of the list of issues**

86. Dialogue sessions with Roma and Sinti communities will be held to discuss the recognition of these communities as national minorities. Parliament will be informed about – the dialogues and the Framework Convention for the Protection of National Minorities. Subsequently, they will be asked to decide whether these communities should be recognised under the Framework Convention.

## II. Aruba

### General Information

#### Reply to paragraph 4 of the list of issues

87. There are plans to adopt a national action plan for Aruba. Steps are currently being taken to draft this plan. A subcommittee, consisting of members of the intergovernmental human rights committee, which also reports under the human rights conventions for Aruba, has been formed to perform this task. The Foreign Relations Office will coordinate these efforts and has identified this plan as a priority.

#### Reply to paragraph 5 of the list of issues

88. The recruitment and selection procedure for the appointment of an ombudsman has been completed. The ombudsman will be appointed and sworn in as of 1 October 2024. As mentioned previously, a more in-depth study will be conducted in the future to assess the compliance of the ombudsman and children's ombudsman institutions with the Paris Principles and whether there is a need to establish a third institution or scope to link these institutions. Aruba has no experience yet with an ombudsman or children's ombudsman and is a small island with limited resources.

### Article 10 Protection of the family and children

#### Reply to paragraph 22 of the list of issues

89. Since 2019, more than 300 professionals have been trained in the application of 'Signs of Safety', which is a relationship- and safety-based approach to child protection practice.

90. In the 2020–2021 period two 24-hour residential settings for disabled children were opened. One provides 24-hour services to at-risk children and young adults between the ages of six and 24 with an intellectual or developmental disability; the other setting is for people aged six years and older who have multiple disabilities.

91. In April 2021, a national Child Safety Code was introduced. The code makes provisions for the mandatory reporting of child abuse and neglect, and delineates five steps to be taken by professionals. Professionals have been trained to implement the safety code in their respective organisations in the areas of health, social welfare, education and justice.

92. To strengthen the institutional policy and capacity of the Youth Health Care Department, an automated and integrated management information system, which key agencies across sectors are linked to, has been put in place to better monitor and foster the health and well-being of all children in Aruba.

93. The National Ordinance containing rules to safeguard and promote quality in childcare came into effect on 15 August 2023.

94. Aruba has been receiving technical support from UNICEF Netherlands since 2023. In November 2024 Aruba will launch a national vision on parenting support and a social map of all agencies providing support to parents, as this is a key preventive tool in combating child abuse.

95. The Promotion of Continued Parenting and Careful Divorce Act came into effect on 1 March 2024. This law aims to ensure the well-being of children after a divorce through the implementation of a parenting plan. The parenting plan requires parents to make agreements about the care and upbringing of their children, thereby maintaining continuity and stability in the children's lives despite their parents' separation.

96. The government of Aruba has designated the month of April 2024 as Child Abuse Awareness Month.

97. A national expertise and treatment centre for victims of violence in general, including victims in dependent relationships, has been established in collaboration with the European Family Justice Center Alliance and Fier Netherlands. Scheduled to open by November 2024, this centre will provide comprehensive examination and treatment services for victims. By consolidating all necessary services into a single location, the centre aims to streamline the support process and provide more effective and coordinated care for those affected by violence.

98. In 2022, Aruba launched its first comprehensive Gender Equality Policy Document, Action Plan and Implementation Framework, which includes an integrated multi-disciplinary approach to addressing domestic and relational violence.

99. Aruba has a Bureau of Women's Affairs (CEDEHM) in charge of promoting gender equality on the island. It is a lead agency in implementing key actions within the National Gender Policy Action Plan.

100. CEDEHM participates with the Foundation Against Relational Violence (FCVR) in activities regarding conscientisation of violence against women and girls, including domestic violence. CEDEHM provided gender sensitivity training to police officers in training at the police academy.

101. In December 2023, the prime minister issued a ministerial order to establish a commission tasked with writing an action plan for all stakeholders responsible for handling domestic violence cases and related legislation.

102. The government is also working on an implementation plan and legislation to ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence.

103. Aruba is working to develop a broader national statistics system that is based on international guidelines for the production of official statistics. The goal is to produce relevant, structured and standardized data to aid in the development and monitoring of policy.

## **Article 15**

### **Cultural rights**

#### **Reply to paragraph 30 of the list of issues**

104. Within the framework of UNESCO's Culture and Arts Education (2024), a National Plan for Culture and Arts Education is being drafted involving all school types of formal education. Within the sector of formal education the components of local history and the local language Papiamento are also linked to this Plan.

105. Furthermore, the Whizz-Art teaching method, still in development, pays attention to local history components.

## **III. Curaçao**

### **A. General Information**

#### **Reply to paragraph 4 of the list of issues**

106. After the COVID-19 pandemic, it was necessary to suspend many activities, including the National Action Plan on Human Rights. Work on the plan will resume in the near future. A draft national ordinance is being prepared on the recommendation of the Ombudsman of Curaçao. It is expected to reach the next stage of the approval process in 2024. The institution of the Children's Ombudsman was established in 2020 (see P.B. 2020, no 129). Although a dedicated Children's Ombudsman has not yet been appointed, the current Ombudsman is serving in this role.

**Reply to paragraph 5 of the list of issues**

107. The draft ordinance will be finalised in 2024.

**Reply to paragraph 6 (c) of the list of issues**

108. In July 2022, the Court of First Instance ruled that the government's 2020 ministerial order on air quality standards was insufficient to protect the community. It mandated adherence to WHO standards and required standards to be set by law, not ministerial order. To address this, the government amended the Nuisance Ordinance, introducing binding emission standards and regulation of air pollution activities through licensing. The aim is to establish industry-wide emission standards, with additional rules for licensed activities. An air quality monitoring network will be established, with details to be outlined in lower-level legislation.

**Reply to paragraph 7 (a)–(d) of the list of issues**

(a) Curaçao, though not a signatory to the Paris Agreement yet, is proactively enhancing its energy strategy. The island aims to achieve 50% renewable energy by the end of 2024 and full reliance on renewables by 2045 under the Blue Planet Alliance. A comprehensive Climate Change roadmap has been adopted, incorporating climate risk assessments across economic, social, and cultural policy areas, with a strong emphasis on cultural preservation;

(b) A climate change strategy focusing on policy themes was recently implemented. Additionally, the preservation of culture and cultural heritage is integral to the selected policy themes outlined in the roadmap and strategy;

(c) There is an early multi-hazard warning system in place for natural disasters. The Meteorological Department is responsible for this system and periodically makes revisions to it as deemed necessary;

(d) Policy development and coordination of adaptation measures are centralised under the Curaçao Climate Change Platform, which ensures effective coordination through the Curaçao disaster management organisation. Disaster preparedness and management are overseen by the Directorate of Disaster Risk Reduction.

**B. Issues relating to the general provisions of the Covenant (Articles 1–5)****Reply to paragraph 9 of the list of issues**

109. On 29 November 2022, the Ombudsman of Curaçao, along with other national ombuds institutions of the Kingdom, organised a conference on poverty within the Kingdom. Recommendations emerged from the conference regarding enhancement of the social safety net, improvement of language skills and better access to quality education for children, including those with mild intellectual disabilities. These recommendations were shared with the Minister of Social Development, Labour and Welfare in December 2022. For facts and figures please refer to Annex tables 1 and 2.

**Article 2 (2)**  
**Non-discrimination**

**Reply to paragraph 10 of the list of issues**

110. Over the past five years, the Curaçao Public Prosecutor's Office has not prosecuted any cases involving violations of the prohibition on discrimination.

**Article 3****Equal rights of men and women**

111. Curaçao has drafted a national plan to address domestic violence, including various forms of violence against women and girls, with implementation now underway. Courses on debt management, especially tailored for women, are offered through provisions made available by the Ministry of Social Development, Labour and Welfare.

**C. Issues relating to the specific provisions of the Covenant (Articles 6–15)****Article 6****Right to work****Reply to paragraphs 15 and 16 of the list of issues**

112. In 2022 the Vacancy Bank registered 217 jobseekers, mainly unemployed young people. To address this issue, two training initiatives were implemented:

- The Obligatory Social Formation Project: ‘*Un komienso nobo*’, targeted school dropouts aged 18–24, offering basic education and supervised work with an allowance. In 2023, 25 participants completed the first phase and progressed to the second phase;
- A public-private initiative aimed at training young adults for employment in the growing tourism sector and upgrading their skills. The initiative provided on-the-job training, with the participants receiving a monthly allowance funded by the Curaçao Tourist Board and the Ministry of Economic Development, the Ministry of Education, Science, Culture and Sport and the Ministry of Social Development, Labour and Welfare.

**Article 7****Right to just and favourable conditions of work****Reply to paragraph 18 of the list of issues**

113. Curaçao has a statutory minimum wage, which is adjusted annually for inflation to maintain purchasing power and combat poverty. On 1 January 2023, the minimum wage was increased by 11.2% to ANG 10.70 per hour, and it was further increased to ANG 11.28 per hour as of 1 January 2024. This wage applies to all workers, including household personnel, regardless of creed, race, religion, sex or nationality.

**Reply to paragraph 19 of the list of issues**

114. The Public Prosecution Service has no statistical data on workplace harassment.

**Article 8****Trade union rights****Reply to paragraph 20 of the list of issues**

115. In Curaçao the right to form trade unions is safeguarded by both international treaties and national legislation. Article 14, paragraphs 1, 2 and 3 of the National Ordinance on Labour Disputes (*Arbeidsgeschillenlandsverordening* 1946) and the National Ordinance on Collective Agreements (*Landsverordening Collectieve Arbeidsovereenkomsten*) apply in the private sector. The law sets out how trade unions can demonstrate that they represent the majority of a specific category of employees, and employers are required by law to recognise these trade unions as negotiating partners. In disputes regarding representation, a referendum can be held. Similar rules for the public sector are laid down in national legislation and ILO convention no. 151 (Labour Relations (Public Service) Convention).

116. The country of Curaçao recognises the right to strike. It is important to act quickly and effective to prevent strikes. When a strike is imminent, interim injunction proceedings can be initiated. The court can take all the potential consequences, including adverse effects, into account in its ruling. The right to strike is an essential workers' right that must be respected, but not at all costs.

## **Article 9**

### **Right to social security**

#### **Reply to paragraph 21 of the list of issues**

117. To enhance the social security system's adequacy and accessibility, several measures have been taken:

- Accessibility: The Social Insurance Bank (SVB) is centrally located for easy access. It also offers a user-friendly website for remote information access and supports clients via email, phone, and social media;
- Compliance and Equity: The SVB ensures lawful disbursement of social insurance benefits, including work-related disability benefits and specialized support for individuals with disabilities, adhering to legal standards. Benefits are uniform nationwide to promote fairness;
- Recent Evaluation: In July 2023, a study assessed social security benefits in Curaçao under the 'Landspakket' agreement, which aims to improve living standards for vulnerable groups. Proposed adjustments are pending government approval and could lead to future enhancements of the social security system;

118. Overall, these efforts reflect a commitment to responsive and effective social security provision.

## **Article 10**

### **Protection of the family and children**

#### **Reply to paragraph 22 of the list of issues**

119. In Curaçao, the term 'domestic violence' includes violence in family and romantic relationships, and covers abuse of children and the elderly. The Public Prosecution Service collaborates with various agencies to prosecute offences and support victims, showing a commitment to addressing violence comprehensively. For facts and figures please refer to Annex table 3.

120. In 2017, Curaçao's Public Prosecution Service implemented guidelines for detecting and prosecuting relational violence, ensuring collaboration between law enforcement, prosecutors and partners such as the probation service. These guidelines are regularly updated and evaluated. There is a dedicated prosecutor for relational violence, child abuse and sexual offences, and information sessions are conducted for law enforcement personnel. Collaborations with NGOs include awareness campaigns like 'No mas, No more'. The Prosecution Service contributed to the National Plan against domestic relational violence and child abuse and organised conferences on offender typologies and sexual offence cases. It partnered with the Curaçao Community Safety Partnership ('Veiligheidshuis Curaçao') to run a child abuse prevention campaign. Additionally, a central advice and reporting centre for domestic violence and child abuse, '*Protehami*', was established within the new Youth Care implementation organisation (UOJZ), improving efficiency and communication among the organisations involved. The Public Prosecution Service continues to invest in partnerships with these agencies. A new National Ordinance on tackling child abuse and relationship violence is currently being prepared (Landsverordening Kódigo di Protekshon).

#### **Reply to paragraph 23 of the list of issues**

121. Curaçao is not a party to the Refugee Convention and does not grant refugee status as defined by the Convention. However, under Article 3 of the European Convention on Human

Rights (ECHR) there is a procedure to offer protection to those in need. Thus far, there have not been any requests for family reunification for beneficiaries of protection under Article 3 of the ECHR. There have been one or two cases of families seeking protection, but they were already on the island, so there are no specific statistics on family reunification applications or approvals in this context.

## **Article 11**

### **Right to adequate standard of living**

#### **Reply to paragraph 24 of the list of issues**

122. There are 12 social provisions for unemployed people and other vulnerable groups (disabled persons), granted by the government. These provisions can be found in Annex table 4.

## **Article 12**

### **Right to physical and mental health**

#### **Reply to paragraph 27 of the list of issues**

123. The SVB has specialised departments for healthcare procurement, cost-effectiveness and lawfulness while maintaining accessibility for all. Quality agreements with healthcare professionals uphold service standards and require ongoing training. The ‘Certificate of Need’ principles are implemented to prevent unnecessary healthcare expansion, promoting efficient capacity planning and resource allocation. In addition to the healthcare professionals that originate from within the Kingdom of the Netherlands, Curaçao benefits from a diverse pool of healthcare professionals from South America and the Caribbean, helping to mitigate local shortages and ensure continuity and quality of care.

124. Several strategies have been implemented to enhance healthcare access for older individuals and those with medical needs:

- Expanded Basic Health Insurance: older individuals receive additional benefits including coverage for eyeglasses, dental care, assistive devices, addressing the specific healthcare needs associated with ageing;
- Home-care services and transportation: medical care at home and transportation to healthcare providers are available for those with medical necessities;
- Efficient pension use in care institutions: for older residents in SVB-contracted institutions, a portion of their SVB old-age pension is directly allocated to cover non-medical care needs, ensuring efficient use of pension funds for their well-being.

## **Articles 13 and 14**

### **Right to education**

#### **Reply to paragraph 28 of the list of issues**

125. The Ministry of Education, Science, Culture, and Sport has developed a policy paper titled “Undocumented Individuals in Education,” aiming to make education accessible to all. Anticipating approval, the Minister has instructed schools to issue diplomas to students who complete all subjects successfully, regardless of their status.

126. In late 2023, the Minister sent the “Education Improvement Plan 2023–2028” to Parliament, focusing on addressing teacher shortages in primary and secondary education. The Ministry has revised secondary education attainment targets, with legal enactment expected soon, impacting curriculum adjustments in both general and vocational education. Approximately 40 vocational programs have been updated, incorporating human rights content. The revision of primary education attainment targets is expected to begin later in 2024.

## Article 15

### Cultural rights

#### Reply to paragraph 30 of the list of issues

127. The Ministry of Education, Science, Culture, and Sport, in collaboration with NGOs, is developing materials on history and cultural heritage in Papiamentu and English, targeting the general public and schools, with implementation set for late 2024. While cultural differences exist among Aruba, Sint Maarten, and Curaçao, the latter shares resources with its neighbours. The Museo Tula, a government-subsidized foundation, is creating educational materials on slavery, with related awareness activities ongoing in 2024. Curaçao recognizes Papiamentu, Dutch, and English as official languages, with Spanish widely spoken. In August 2023, the island's first English-language primary school opened, complementing existing Dutch and Papiamentu schools. The National Language Institute, established in late 2023, oversees the national multilingual language policy.

## IV. Sint Maarten

### General Information

#### Reply to paragraph 4 of the list of issues

128. As a small island we are faced with limited human and financial capacities. Nevertheless, in November 2022, Sint Maarten adopted a National Development Vision (NDV) 2020–2030 to adequately respond and adapt to current and future changes in the local socio-economic and market conditions in the regional and world economy. The NDV will be used to align government actions with international obligations moving forward. Sint Maarten's NDV 2030 is founded on the goals of the Constitution of Sint Maarten built on a society that believes in democracy, the rule of law, good governance, human rights and sound environment management whilst incorporating economic resilience.

129. Furthermore, several ministries have consciously developed plans of action for the implementation of human rights that fall within their mandates. For instance, an action plan on the rights of the child has been drafted with a focus on activities spanning from youth participation, to preventing and addressing abuse, to developing after-school programs. Several ministries were involved in the creation of the children's action plan, which also demonstrates that there will be inter-ministerial cooperation on children's rights. A draft national decree ('landsbesluit') on the establishment of a national child rights committee is awaiting approval.

#### Reply to paragraph 5 of the list of issues

130. Sint Maarten remains committed to upholding human rights principles, despite the challenges it faces as the newest and smallest country within the Kingdom of the Netherlands. Since its inception in 2010, Sint Maarten has been occupied with building institutions and capacity. On Sint Maarten human rights are coordinated by the Human Rights Platform, an inter-ministerial workgroup with a mandate for monitoring and reporting. Through this platform, Sint Maarten has diligently observed and implemented fundamental human rights principles in its policy frameworks. While unique challenges exist, particularly for small island states like Sint Maarten, the country continues to work towards the realization of human rights, addressing key problematic areas with the assistance of experts within the UN system through training and the exchange of best practices.

131. Moreover, Sint Maarten's Constitution is based on the democratic principles and the rule of law, ensuring the realization of fundamental human rights and freedoms for all individuals within its jurisdiction. The Constitution explicitly prohibits discrimination on various grounds and safeguards against any actions that undermine the exercise of fundamental freedoms. Additionally, Sint Maarten recognizes its responsibility to adhere to international standards, including the provisions of ILO Convention No. 111 on discrimination in employment and occupation. Furthermore, the country is actively working

towards the development of a comprehensive human rights framework, underscoring its commitment to protecting and promoting human rights at both national and international levels.

## **Article 10**

### **Protection of the family and children**

#### **Reply to paragraph 22 of the list of issues**

##### **Domestic Violence**

###### **Measures**

132. To combat Domestic Violence, Child Abuse and Gender-Based Violence, Sint Maarten has established regulatory legal, social, and protection procedures to be executed based on the severity of the violent act. The drafting of said procedures employed a community driven and integrated approach involving multiple governmental and non-governmental stakeholders fostering a holistic approach against gender-based violence.

133. Sint Maarten recognizes the importance of protecting women and their minor children who are victims of gender-based violence and continues to see the value of a shelter. Within that environment, families receive support, individual guidance and counseling to equip them with the necessary tools to plan their way forward. On the other hand, via the *Safe Home Training Program*, perpetrators are offered counseling, anger management, mediation, and reconditioning tools to address their negative behavior, reducing the possibilities of recidivism.

134. Recognizing the escalation of domestic violence post-Hurricane Irma (2017) and during the COVID-19 pandemic (2019), Sint Maarten initiated “*Basic Self-Defense Weaponry Disarming Training*” aimed to empower women. The ongoing program focuses on enhancing self-defense skills, preventing victimization, and fostering awareness. This program is well received by the public and continues to be in high demand. Due to the interest shown by the younger population, this program is being considered for young girls.

135. Educating teens by utilizing the artform of dramatization through mime, open discussions are held regarding teen dating violence. This well-received tool is used in most secondary schools to ensure the entire school population is engaged. Additionally, a communication campaign regarding teen dating and gender-based violence is being shared via social media platforms.

##### **Data**

136. Safe Haven, a non-profit foundation, provides essential support to women and their minor children who are victims of domestic violence, offering free shelter, counseling, and supportive services. In 2022, Safe Haven accommodated a total of four women, with eight children included in their care. In 2023, the number decreased to one resident at Safe Haven, with a total of four children receiving assistance.

##### **Child Abuse**

###### **Measures**

137. In October 2023, the Ministry of Education, Culture, Youth, and Sport reaffirmed its commitment to child welfare by extending a Memorandum of Understanding (MOU) dedicated to children's rights. This extension reflects the government's dedication to creating an environment where every child's rights are prioritized and protected, ensuring they can grow, learn, and thrive without fear or hindrance.

138. Furthermore, a Children's Rights Campaign was held in 2023 and engaged 500 students, signaling a proactive approach to promoting awareness and advocacy for children's rights. Additionally, in response to the challenges posed by natural disasters, such as Hurricane Irma in 2017, the Court of Guardianship collaborated with UNICEF Netherlands to establish an inter-island protocol for the evacuation, arrival, and return of unaccompanied children and those in need of protective services. Finalizing an MoU with

the police on disaster preparedness and response and operationalizing the inter-island protocol is still in development and remains a priority.

139. As a result of the collaboration with UNICEF are the Positive Parenting Support Program and the Growing up Safe Magazine. The Positive Parenting Support Program is a training conducted by child protection professionals in innovative parent engagement strategies – to be able to provide more accessible parenting classes for the public. The Growing up Safe Magazine is a communication tool between Child Protection Working Group of the Government of Sint Maarten and UNICEF Netherlands to share knowledge, experiences and best practices among professionals working with children and the general public.

### Data

140. The Court of Guardianship (CoG) in Sint Maarten serves as the central authority for child protection, overseeing the reporting and management of child abuse cases. Over the years, there has been an increase in reported cases, with 61 notifications in 2021 rising to 84 in 2022. These cases cover various forms of abuse, highlighting a concerning trend of severe neglect and oversight in parental responsibilities. To address this issue, the CoG employs specific risk analysis tools to categorize and assess the urgency of each case, aiming to improve the management and reporting of child welfare incidents. However, challenges persist, including under-reporting of cases, particularly those involving sexual abuse or violence, which contributes to significant data collection gaps.

141. In response to these challenges, the CoG is committed to advancing child protection through training programs and initiatives aimed at effectively managing cases of abuse and neglect. These efforts include comprehensive education on different forms of abuse, detailed instruction on conducting risk assessments, and understanding legal responsibilities. Additionally, key initiatives such as the Child Check Method and the Handling Care Method are being implemented to provide early identification and necessary psychosocial support to affected children. Despite these efforts, there is an urgent need for a centralized reporting system to standardize the reporting process and ensure all incidents of abuse and violence are accurately recorded. Such a system would enable more informed decision-making, better resource allocation, and more effective intervention strategies to protect vulnerable children and individuals in Sint Maarten.

Figure 1  
**Notifications Related to Child Abuse 2021–2022**

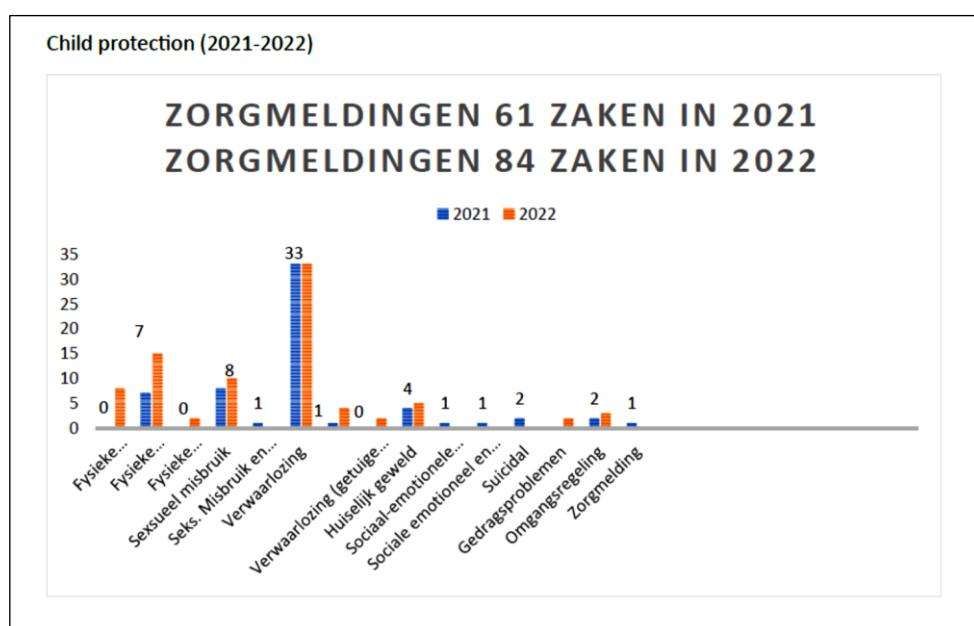
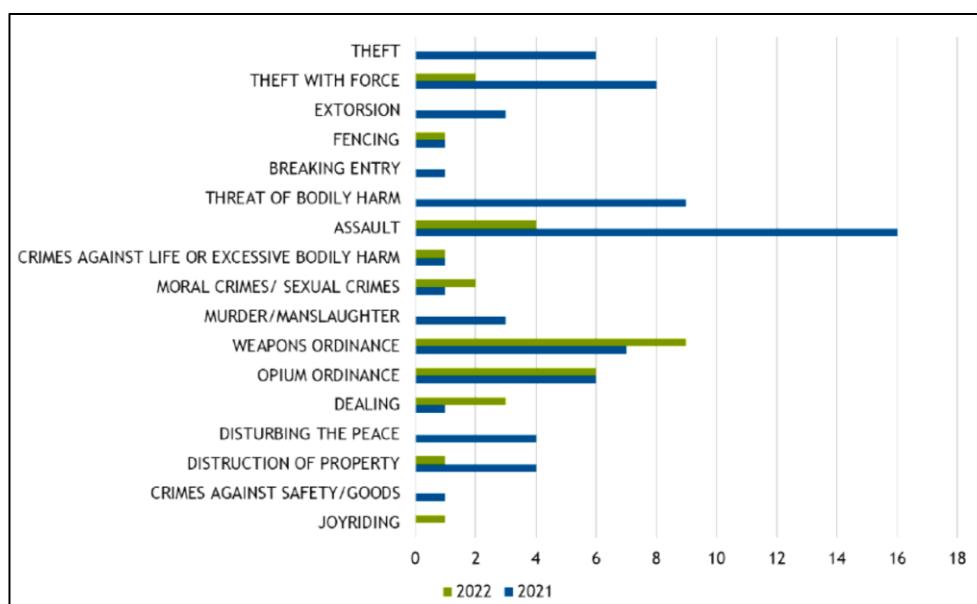


Figure 2  
Youth Delinquency Incidents by Type



## Article 15 Cultural rights

### Reply to paragraph 30 of the list of issues

142. The education system in Sint Maarten is structured to provide children with opportunities for a language of instruction in either English or Dutch. This reflects a commitment to linguistic diversity, ensuring that students have the option to learn in a language that aligns with their cultural background. The system offers flexibility in curriculum, testing standards, and educational pathways, enabling students to prepare for further studies within regional and international frameworks such as the Caribbean Examinations Council (CXC), Dutch, American, or Canadian systems. Parental preferences on the secondary level of educational system and considerations of religious affiliation also shape the educational landscape, contributing to a varied and inclusive learning environment.

143. Sint Maarten also actively preserves its local history and cultural heritage through initiatives led by the Departments of Culture and Sports. A key focus is engaging youth in sports and cultural activities, including participation in the UNESCO Afterschool Intangible Cultural Heritage Program (ICH). This program offers a platform for young people to explore their cultural heritage and promotes traditional practices unique to Sint Maarten. Additionally, the island commemorates national and observance days like Flag Day and Constitution Day, reinforcing historical milestones and cultural significance. These celebrations foster community cohesion, storytelling, and a collective sense of identity and belonging.