



# Economic and Social Council

Distr.: General  
25 March 2011  
English  
Original: French

---

## Committee on Economic, Social and Cultural Rights

### Forty-fifth session

#### Summary record of the 44th meeting

Held at the Palais Wilson, Geneva, on Wednesday, 10 November 2010, at 3 p.m.

*Chairperson:* Mr. Marchan Romero

## Contents

### Consideration of reports

- (a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

*Combined fourth and fifth periodic reports of the Kingdom of the Netherlands*  
(continued)

---

This record is subject to correction.

Corrections should be submitted in one of the working languages. They 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 this document* to the Editing Unit, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

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

**Consideration of reports**

**(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant** *(continued)*

*Combined fourth and fifth periodic reports of the Kingdom of the Netherlands* (continued) (E/C.12/NLD/4-5); (E/C.12/NLD/4/Add.1); (E/C.12/NLD/4/Add.2); list of issues (E/C.12/NLD/Q/4-5); written replies of the Government of the Netherlands to the list of issues (E/C.12/NLD/Q/4-5/Add.1)

1. *At the invitation of the Chairperson, the delegation of the Kingdom of the Netherlands took places at the Committee table.*

*Articles 1 to 5 of the Covenant* (continued)

2. **Ms. Swakhoven** (the Kingdom of the Netherlands – Curaçao) said that Curaçao and Sint Maarten would produce a new core document as early as possible. The periodic reports had been prepared with the assistance of central and overseas departments and public bodies and of non-governmental organizations (NGOs) in the Netherlands Antilles that had been consulted during the process. The withdrawal of the reservation to article 8 of the International Covenant on Economic, Social and Cultural Rights, which had been approved by the Government of the former Netherlands Antilles and by the States of Curaçao and Sint Maarten which were part of that country, would be considered by the Parliament of the Kingdom of the Netherlands and adopted shortly. The comment concerning the creation of human rights institutions in the other territories of the Kingdom would be conveyed to the respective Governments. Since winning the right to vote and to stand for election in the former Netherlands Antilles, women had always held office both in the central Government and in insular Governments.

3. **Ms. Wuite** (the Kingdom of the Netherlands – Sint Maarten) said that women accounted for some 40 per cent of the new Government of Sint Maarten, without any affirmative action measures having been taken. There was as yet no equality policy per se and the matter was being dealt with by public agencies – the Women’s Affairs Desk and the Bureau for community and social development. The new Ministry of Health Care, Social Development and Labor would be responsible for gender equality issues. The percentage of women in the workforce remained stable in the last decade, reaching almost 56 per cent in 2009.

4. **Mr. Versluis** (the Kingdom of the Netherlands – Netherlands) said that a constitutional review commission was about to publish a report on a possible amendment to enhance the direct applicability of international human rights instruments. Those instruments and their applicability were included in the training for future judges. Pursuant to article 2 of the Covenant, the country actively supported the work of the United Nations to codify the right to drinking water and sanitation and promoted other economic, social and cultural rights such as the right to food.

5. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that, despite its budgetary constraints, the Government had decided to maintain official development assistance at 0.7 per cent of gross domestic product (GDP) — against 0.8 per cent previously — in accordance with the recommendations of the Development Assistance Committee of the Organization for Economic Cooperation and Development (OECD).

6. **Ms. van Schaik** (the Kingdom of the Netherlands – Netherlands) said that the existing legal framework on equal treatment was based on four specific texts (the Equal Treatment Act; the Equal Treatment (Disability and Chronic Illness) Act; the Equal

Treatment in Employment (Age discrimination) Act; the Equal Treatment (Men and Women) Act). An extensive Internet consultation had recently been conducted on a bill consolidating those four instruments and the Government was in the process of examining the findings. Pursuant to the new European directive on equal treatment outside the field of employment, which was under discussion in the European Union, there were plans to extend the protection offered by the legislation.

7. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that the Netherlands was not a party to the International Convention on the Rights of All Migrant Workers and Members of Their Families because the instrument was unclear on the issue of the right to social security and other benefits for migrants in an irregular situation. Nevertheless, all the legislative and regulatory provisions, without exception, were applicable to lawfully-resident migrants and labour law applied to all migrant workers, regardless of their status.

8. **Mr. Kuijer** (the Kingdom of the Netherlands – Netherlands) said that every year, the police registered between 2,000 and 2,500 reports of discrimination, usually on the grounds of race or nationality (40 per cent) and generally occurring in the public sphere (70 per cent). There was a specific public prosecutor for handling discrimination cases within each prosecutor's office in the country. In 2009, some 160 cases had been tried, with 84 per cent resulting in a conviction. A large number of complaints were made for domestic violence – close to 64,000 had been lodged in 2008, of which 45 per cent were for physical abuse and the rest for verbal abuse, which fell under the definition of domestic violence. If the reply to the question on discrimination against migrants in the list of issues was vague, that was because lawfully-resident migrants had the same rights as nationals.

9. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that the Central Agency for the Reception of Asylum Seekers provided housing, health care and work for asylum-seekers and that they received financial assistance until they were granted a residence permit, which gave them the same rights as all other lawful residents. Since 1998, the provision of social security benefits had been linked to residence status. However, undocumented children were enrolled in schools and migrants had access to legal assistance and essential medical treatment. Women made up less than 10 per cent of the population of alien detention centres, unaccompanied minors 0.1 per cent, young adults 3.2 per cent, and persons over 60, 0.3 per cent. Probation centres were an alternative for families with children. Victims of human trafficking could be granted a residence permit once they provided evidence to support their claims and cooperated with the authorities.

10. **Mr. Sadi** asked whether the State party took into consideration the general comments issued by the Committee interpreting and clarifying the purposes and legal significance of the provisions of the International Covenant on Economic, Social and Cultural Rights.

11. **Mr. Versluis** (the Kingdom of the Netherlands – Netherlands) said that under the Constitution, universally binding provisions were directly applicable. He then pointed out the criteria for application of international instruments established by case law. One such criterion was the intention of the authors; with the Covenant dating back to 1966, judges tended to interpret some of its provisions according to modern standards. Moreover, because judges were often required to apply the provisions of international human rights instruments, they were well versed in them and were equally familiar with general comments, which they also applied.

12. **The Chairperson**, speaking as a member of the Committee, deemed that answer unsatisfactory because, for the Committee, all the provisions of the Covenant were directly applicable in their most stringent interpretation.

*Articles 6 to 9 of the Covenant*

13. **Mr. Kedzia**, referring to the high rate of unemployment among ethnic minorities and the solutions adopted by the State party, requested details on the measures taken and suggested that they could be disseminated as good practices for countries with similar problems. The State party's reply to a question from the Committee on the right to strike (paragraph 116 of the replies to the list of issues) was troubling, not only because of the reasoning behind it — a wrong interpretation of the instrument according to which, pursuant to article 8 of the Covenant, national legislation was consistent therewith by default — but also because the decision to exercise the right to strike was the prerogative of unions and not of the courts. He wished to know whether there were contrasting opinions as to the jurisdiction of courts on the right to strike. With regard to social security benefits and the special ordinances for workers in the informal sector in Aruba, he asked what percentage of the workforce those workers represented and would like further details on the ordinances in question.

14. **Mr. Martynov** enquired about the State party's position on the ratification of the Convention on the Rights of Persons with Disabilities. Citing a report from the United States Department of State that spoke of a vast informal economy, he said he would like to know what the exact situation was throughout the territory, including in the islands. He was also confused by the inconsistent ratification of International Labour Organization (ILO) Conventions. The State party had denounced ILO Convention (No. 4) concerning Employment of Women during the Night, ILO Convention (No. 6) concerning the Night Work of Young Persons Employed in Industry, and ILO Convention (No. 118) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security, and had not ratified ILO Convention (No. 132) concerning Annual Holidays with Pay (Revised) or Convention (No. 117) concerning Basic Aims and Standards of Social Policy. He requested some clarification of those decisions. He also wished to know how the State party intended to address the question of domestic workers who were not protected because they were not considered employees. Lastly, he asked whether the Government planned to amend legislation that stipulated mandatory residence of 50 years in the Netherlands to be eligible for a full pension, which penalized migrant workers and effectively condemned them to poverty.

15. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that the facts and data belied the impression that the crisis affected all other countries apart from the Netherlands. Economic upturn only began in the first quarter of 2010, and the 2010 unemployment rate was expected to hit 4.9 per cent, a slight increase attributable to various factors (the withdrawal of job offers given the difficulties finding personnel, the establishment of a system for short-time working that could slow down hiring, the decrease in the number of highly qualified migrant workers). The proportion of workers being paid a salary below the minimum wage had been 1.3 per cent in 2006, but since 2007 the Labour Inspectorate had implemented sanctions on the practice and any employer caught in violation would be fined and would also have to pay the difference in salary to the employee.

16. The dual approach to the labour market worked well: the general policy compiled a register of obstacles faced and examined the needs of the unemployed (lack of adequate education, lack of knowledge of the language), while local authorities, which were better acquainted with the jobless, had the task of helping them based on the guidelines and advice established by the central authorities. The fall in unemployment benefits could be attributed to the fact that the increasing number of unemployed persons returning to work no longer claimed benefits. Prisoners were required to work part-time, the purpose being to facilitate their readjustment to society after release rather than making a profit; moreover, the activity was not lucrative.

17. **Ms. van Schaik** (the Kingdom of the Netherlands – Netherlands) said that the wage gap between men and women was not the result of discrimination against women, but rather a consequence of mechanisms introduced to encourage women to return to work (in particular part-time work arrangements). As such, in the Netherlands the preferred term was “career inequality between men and women”. The authorities were currently exploring different ways to remedy that (e.g. more flexible working hours and conditions). While the legal formulation of the right to strike raised some concerns, the courts only took the decision to limit that right under certain circumstances, particularly when public health and safety were at stake (as in the case of the recent strike by cleaning staff at train stations).

18. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) stated that the incentives to return to work were not meant to replace the benefits system. The social assistance system in place was an effective safety net. Unemployment figures were based on the definition of employment given by Statistics Netherlands, which was activity of at least 12 hours of work per week. The labour market had been assessed taking into account employment and unemployment data disaggregated by economic activity.

19. **Mr. Einerhand** (the Kingdom of the Netherlands – Netherlands) said that, in addition to the efforts of municipalities to tackle the non-uptake of social security benefits, a number of important measures had been adopted in 2009 to ensure that any person in difficulty (particularly the unemployed or disabled) could receive additional long-term benefits from municipalities, even if they were not covered by social security. Appropriate information campaigns had been organized. In addition, the body responsible for paying the pensions to persons aged 65 and over who had neither a full pension nor any other source of income could now grant additional assistance in line with individual needs.

20. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that several national, regional and municipal institutions dealt with gender equality. The body attached to the Ministry of Education, Culture and Science drew on the relevant data, studies and findings to advise and provide guidelines to authorities, political representatives and organizations so as to foster equal treatment for women and men. Furthermore, given that measures aiming to encourage the unemployed to return to work were futile in times of recession, the Government was focusing on keeping the jobless in touch with society to facilitate their return to work as soon as the economy picked up.

21. **Ms. van Trier** (the Kingdom of the Netherlands – Netherlands) said that the Dutch Council of Ministers deemed it important and urgent in times of crisis to take specific measures for unemployed young people and avoid their long-term exclusion. The different initiatives taken during the period under consideration did just that and included young people of non-Dutch origin. In the spring of 2009, a new plan for youth employment had been launched with the aim of keeping young people in school to provide enhanced training, tailoring initiatives to the specific situation of each of the 30 regions concerned, and ensuring that the supply of future employees would meet the demand of employers.

22. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands), pointing out that the Netherlands was one of the ILO member States having ratified the most conventions, made it clear that the decision not to ratify or denounce a convention was taken only in very exceptional circumstances and in the case of evident incompatibility between the instrument and the existing policies in the country.

23. **Mr. Versluis** (the Kingdom of the Netherlands – Netherlands) said that the ratification process of the Convention on the Rights of Persons with Disabilities, signed on 30 March 2007, was well under way. As a general rule, before ratification of an instrument, the Netherlands endeavoured to bring its regulations and procedures into line with it.

24. **Ms. van Schaik** (the Kingdom of the Netherlands – Netherlands) said that the regulation on domestic employees had been introduced to encourage the outsourcing of all

forms of domestic work and the regularization of that sector of activity. Nonetheless, ensuring that all domestic workers enjoyed equally favourable conditions as other workers constituted an additional administrative burden for employers that could press them to opt for undeclared work, thus maintaining the parallel economy.

25. **Ms. Wuite** (the Kingdom of the Netherlands – Sint Maarten) said that the eligibility of migrant workers for pensions depended on the number of years of residence in the territory. The General Old Age Pensions Act, which had long been adopted, applied to migrant workers and its provisions were being revised to include all groups and, thereby, combat poverty. An increasing number of migrant workers were applying for social security benefits to complement the meagre pensions they currently received.

26. **Mr. Boasman** (the Kingdom of the Netherlands – Sint Maarten) said that although domestic workers were not entitled to the same rights as other workers, the minimum wage applied to everyone. Any employer wishing to hire a migrant as a domestic worker must prove that the necessary health insurance provisions for the employee had been made. Labour legislation, which established weekly working and rest hours, and the ordinance on paid leave were also applicable to domestic workers. Recently, 1,255 persons had benefited under the programme for regularization of migrant workers who had been living in Sint Maarten for more than five years and could now contribute to the social security system and enjoy the resulting advantages. In general, the social security system guaranteed health insurance and medical care for undocumented workers for as long as they were employed. With regard to the right to strike and the scrutiny of the courts, steps had been taken to raise the restrictions placed on that right (revised Criminal Code and Civil Service Code).

27. **Mr. Sadi** wished to know in what other fields, besides the right to strike that had already been mentioned, domestic workers did not enjoy the same rights as other workers.

28. **Ms. Bras Gomes** noted that table 2 of the report under consideration showed that the labour market participation of women from different ethnic backgrounds did not increase greatly between 2000 and 2005 and wondered whether the balance between general policies and targeted policies sought by the State party had had the desired effect. She would like to learn more on the new Government's decision to terminate policies promoting diversity and preferential treatment based on gender to move towards selection based on quality.

29. **Mr. Abdel-Moneim**, referring to paragraph 70 of the report under consideration, was surprised that the State party did not have official statistics on underemployment. He insisted on the need to adapt the reality of the labour market to labour law, as provided for in the International Covenant on Economic, Social and Cultural Rights, and not the contrary. He pointed out that employment strategy should give due weight to both supply and demand, and not only supply.

30. **Mr. Martynov** wished to know what rendered ILO Convention (No. 118) concerning Equality of Treatment of Nationals and Non-Nationals in Social Security incompatible with domestic law in the State party, and what the State party thought was the extent of the informal economy in its territory.

31. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) said that all economies faced the problem of balancing general employment policies and policies targeting specific populations, with the risk that one could sometimes restrict the other. The country was in the middle ground: it was implementing programmes to combat unemployment in specific groups — young people, seniors — while abandoning the idea of favouring diversity, a choice that had more to do with an overall policy than an employment strategy.

32. **Ms. van Schaik** (the Kingdom of the Netherlands – Netherlands) said that the Government's decision to terminate affirmative action based on sex or ethnicity reflected a

desire to focus more on a person's skills. There would no longer be quantified targets for the hiring of women in the civil service, for example, in the interests of opening up opportunities for the entire workforce, in all its diversity.

33. **Mr. Beets** (the Kingdom of the Netherlands – Netherlands) was well aware that employment policies should take into account both supply and demand, which made it difficult to find the right balance between the two, and the need to focus on respecting the right to work.

34. **Mr. Bel** (the Kingdom of the Netherlands – Netherlands) said that the State party's denunciation of ILO Convention No. 118 did not mean that it did not respect equal treatment — a principle to which it attached great importance —, but rather that it did not adhere to the concept that benefits could be transferred among all countries. As of 2000, the transfer of benefits was only possible between countries with which the Netherlands had signed bilateral agreements guaranteeing that payments were indeed made to the beneficiaries. However, since Convention No. 118 did not impose any limits, the Government had to denounce it after consultation with the country's highest judicial authorities. Nonetheless, the Government remained deeply committed to the principle of equal treatment.

35. **Mr. Einerhand** (the Kingdom of the Netherlands – Netherlands) said that according to OECD, the country's informal economy accounted for an estimated 10 per cent of the national economy, which was not very high as compared to other countries.

36. **Mr. Boasman** (the Kingdom of the Netherlands – Sint Maarten) said that social security entitlements in Sint Maarten were almost the same as in the Netherlands; likewise, government authorization was not needed to fire an employee. The Committee would be provided with more detailed information at the next meeting.

#### *Articles 10 to 12 of the Covenant*

37. **Mr. Tirado Mejia**, referring to the report under consideration, was alarmed by the situation with regard to domestic violence and deemed the State party's reaction somewhat defeatist in the face of a phenomenon that also affected more and more men in cases of honour crimes. He wished to know more about honour crimes, which were open to many interpretations, both cultural and religious, and could mask crimes committed with motives other than honour. He would appreciate more information on the policies implemented to combat the very serious problem of domestic violence and those to combat child abuse, and wished to know where things stood on corporal punishment, which was not forbidden in Aruba. He also wondered whether children born out of wedlock were still discriminated against and if that was so, what was being done to remedy that. According to the report, the State party was taking measures to reduce alcohol and tobacco consumption, but the delegation might also wish to give details on what was being done about drugs.

38. He then asked what developments there had been with regard to prostitution since it had been legalized in 2000, whether trafficking in persons would be made a criminal offence, whether there were exceptions to the ban on abortion, for example if the mother suffered from a life-threatening condition, and what relevant policies had been implemented.

39. **Mr. Dasgupta**, citing the international obligations of States parties under article 12 of the Covenant, asked why the authorities had seized a batch of generic medicines that were being shipped from one developing country to another even though the medicine, which was in transit in a port in Dutch territory, had all the requisite authorizations. The situation had compromised access to affordable medication in the destination country. He also sought confirmation that the smoking ban did not apply only to closed, public places with central heating or air conditioning.

40. **Mr. Atangana** asked the delegation of the Kingdom of the Netherlands to provide the preliminary findings of the 2008 major public survey on domestic violence, the final report of which was to be published shortly. With regard to trafficking in persons, it appeared that sentences were more and more severe, which attested to the State party's commitment to combat that scourge more effectively. However, the data provided on Aruba concerned only arrests, without further details, and he requested more information. He also wanted to know what impact the cooperation implemented between the Ministries of Justice of the Kingdom's four constituent countries had had on the effort to control trafficking in persons, and whether information sharing in that field had been fruitful.

41. **Mr. Riedel** wished to make it clear that his criticisms with regard to the Netherlands during the previous meeting had not at all been levelled at the role of the State party — which had been very active and constructive — in the negotiations on the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, but at the measures taken to implement international instruments at country level.

42. He had been pleased to read, in the answer to question 29 in the list of issues, that doctors in the State party treated immigrants without legal residence status and could even apply for reimbursement if the health care was not paid for, which was extremely rare in Europe. He also welcomed the statistics provided on waiting lists for mental health care for children and would appreciate learning the outcome of the latest measures taken to reduce waiting times. While abortion was prohibited in the former Netherlands Antilles, in the answer to question 32 of the list of issues it was stated that no criminal proceedings were ever instituted for abortion, but that it would remain illegal in the revised Criminal Code. He wanted to know why the ban was maintained. According to information provided by the Coalition of Dutch NGOs, nursing homes were critically short of trained nurses; the delegation might wish to indicate what measures the State party intended to take to address that problem, to improve care protocols and to ensure that there were enough doctors assigned to those facilities, given the general ageing of the population. It would also seem that 50 per cent of prisoners in the Netherlands had mental disorders but did not receive the necessary care. It would be useful to know what measures the State party intended to take to improve their situation and what limits it would set on the use of isolation where such prisoners were concerned.

43. **Mr. Abashidze**, recalling that the State party had established a working group to examine issues relating to domestic violence and present a report in the autumn of 2010, asked whether the report had been drawn up and what the findings were.

44. **Mr. Pillay** said that the National Poverty Reduction Plan did not place sufficient importance on economic, social and cultural rights and regretted that it did not make provisions for the establishment of human rights-based accountability mechanisms, as the Committee had recommended in 2001. Noting that 10 per cent of the population lived below the poverty line, he asked which categories were most affected and whether the plan of action focused on single-parent families, women, children and minorities. Unemployment rates were rather high in Curaçao and Sint Maarten, and he asked what measures had been taken to address poverty in those States. He also wished to know whether Aruba intended to adopt a poverty reduction plan, which he thought necessary.

45. Noting that the State party had said that providing housing to migrants in an irregular situation was contrary to the act on social security benefits, he asked whether the Government planned to amend that legislation to bring it in line with the provisions of the Covenant, which would help to solve the problem of street children. He was concerned by the significant rise in the number of homeless persons throughout the Kingdom, estimated at between 35,000 and 40,000 at the end of 2009 and he asked whether those statistics were accurate and whether a national action plan was envisaged to remedy the problem, identify the causes and promote the integration of homeless persons into society.



46. **Ms. Barahona Riera** asked whether the Criminal Code criminalized domestic violence and what the penalties were in the constituent countries of the Kingdom of the Netherlands. She would also like to know whether there was legislation on domestic violence, whether child abuse fell under domestic violence or was considered a separate offence, and whether such cases had been brought before the courts. She asked which laws governed abortion in the different constituent countries, what services were provided for sexual and reproductive health, and whether there were any prevention programmes in that area. Noting that child pornography and sex tourism were prohibited in the State party, she asked whether those offences were also classified in the Criminal Code. With regard to prostitution, she would like to have the delegation's views on the fact that sex workers were obliged to sign up to an official register, which could endanger them since many of them were illegal residents and thus much more vulnerable to sexual exploitation and trafficking.

47. **Ms. Bras Gomes** asked which categories of families received income-related allowances or financial assistance for foster children in 2008, whether disaggregated data on the beneficiaries had been compiled, what effect the new allowance had on single-parent families, and whether there was a similar system in all the constituent countries of the Kingdom of the Netherlands. Noting that the State party had committed itself to strengthening the capacity of developing countries to analyse, monitor and address the food insecurity of vulnerable groups and that it was an extraterritorial obligation based on a voluntary commitment, she requested further information on the reasons behind that pledge. She also enquired about the follow-up that had been given to the recommendation by the Special Rapporteur on the adverse effects of the movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights, exhorting the Netherlands to continue to provide support to the Government of Côte d'Ivoire to allow the latter to monitor and address effectively the long-term human health and environmental effects of the waste-dumping incident.

48. **Mr. Sadi** asked if the Kingdom's four constituent countries exercised extraterritorial jurisdiction when nationals were involved in human trafficking activities, child pornography or prostitution, adding that that would be a very effective means of combating such activities. Noting the presence of a large Muslim community and repeated cases of honour crimes, he asked what concrete measures had been taken on the matter, experience having shown that stricter sanctions were an effective deterrent.

49. **Mr. Martynov** asked whether the new status of the constituent countries of the Kingdom of the Netherlands modified the responsibility of the State party with regard to compliance with its human rights obligations throughout its territory, including the islands, and whether it was still true that laws and provisions at variance with the Covenant had to be amended in all the constituent countries. He cited as an example the minimum age for admission to employment, which was not in line with international standards in the former Netherlands Antilles but was so in the European part of the Kingdom, and asked what decision would be taken on the matter.

50. Noting that information provided to the Committee had shown that the production or diffusion of advertisements for the sale of children, child prostitution or child pornography were not classified as criminal offences, and that there were frequent cases of abuse of children in the country, he asked what measures the Government intended to take to remedy that. He welcomed the decision taken by the authorities in July 2009 to increase the maximum sentence for trafficking in persons and to authorize the public prosecutor to punish traffickers, including for preparation of trafficking, and asked whether the State party already had data on the impact of those measures. Given that the problem seemed to persist, he asked whether the law was enforced effectively and what the Government made of the situation. He also wished to know if the problem of street children existed in the Dutch islands and, if so, to what extent.

51. On the issue of balancing professional and parental duties, he asked whether the supply of childcare services for children under 6 years of age met the demand for places at day-care centres and whether there were waiting lists in both the European part of the Kingdom of the Netherlands and the islands. He remarked that the health of migrants was generally much worse than that of the rest of the population, as was particularly reflected in perinatal mortality rates, and deduced that migrants had insufficient access to health care and asked what would be done to address that.

52. **Mr. Kedzia** enquired whether the Government had already learned from the implementation of the programme against domestic violence during the period 2002–2008. Noting that it was necessary to have resided in the Netherlands for a given number of years to be fully eligible for a pension and that migrants were thus at a disadvantage, he asked for details on the impact of that measure on poverty. He said that asylum-seekers who had been turned down often remained in the country and were a particularly vulnerable group, and asked whether there were many of them, whether they still had access to social services, and what had been done to address the situation.

53. **Ms. Cong**, citing the fact that young people up to the age of 27 were obliged to attend a work and study programme, failing which their benefits could be withdrawn, asked which benefits were concerned, whether they were long-term or short-term, and requested further details on the subject. On the funding of education, the State party report's had indicated that the Government did not finance private schools, but later went on to say that certain categories of private schools were funded in the same way as public authority schools if they met all the requisite conditions. She asked for clarification on that point.

*Articles 13 to 15 of the Covenant*

54. **Mr. Kedzia** commended the Netherlands for having extended the right to education to undocumented migrants up to 18 years of age, but pointed out that those adolescents might also wish to follow a vocational training course and do work experience courses or on-the-job training, for which a work permit was required. However, undocumented migrants and children going through asylum proceedings were not entitled to such a permit in the Netherlands, which could be a barrier to their professional training. He asked if it was possible to address that problem under existing domestic law. He also wanted to know what had been done to provide education for migrants in administrative detention.

55. He was concerned by reports that the Netherlands had no official programme for human rights education, which was left to teachers' discretion. He asked the delegation if that was true and, if so, whether there were plans to include it in school curricula.

56. **Ms. Bras Gomes** added that human rights education appeared to be the best way to prevent the problems of Islamophobia and xenophobia that stemmed from a lack of knowledge and acceptance of other cultures, and asked how the State party intended to address that shortcoming.

57. **Ms. Barahona Riera** asked whether there was a system of public preschools in the various constituent countries of the Kingdom of the Netherlands, whether they were free of charge for low-income families and whether financial aid was granted for access to private preschools. She also wished to know whether there were sufficient preschools to meet the demand and whether preschool education was coordinated with primary education. She asked what sexual and reproductive health education programmes had been put in place in primary and secondary education and what was the approach taken.

58. **The Chairperson**, speaking as a member of the Committee, enquired what proportion of the State party's budget was allocated to culture and scientific research and whether there was disaggregated data in that respect. On the right to take part in cultural life, particularly for disadvantaged and marginalized groups, he regretted that the State

party had not implemented programmes for disabled persons and ethnic minorities, for he believed that it was not appropriate to treat different persons who had dissimilar needs in the same way. He then asked whether the Government intended to devise a policy to promote the participation of those disadvantaged groups in cultural life.

*The meeting rose at 6 p.m.*