



Economic and Social Council

Distr.: General
10 November 2016

Original: English
English, French and Spanish only

Committee on Economic, Social and Cultural Rights

List of issues in relation to the sixth periodic report of the Netherlands**

I. General information

1. In the light of articles 94, read in conjunction with articles 19-22, of the 2008 Constitution of the Netherlands, in which mention is made of economic, social and cultural matters in terms of policy guidelines, not in terms of the rights of individuals and groups, please provide information on the legal enforceability of the rights enshrined in the International Covenant on Economic, Social and Cultural Rights within the domestic legal order. In particular, please indicate if the courts are empowered to decide whether the relevant domestic legislation is in conformity with Covenant standards. Please also indicate whether holders of the rights enshrined in the Covenant can assert them before the courts and obtain redress and, if so, provide examples of the relevant case law.
2. Please clarify the status of the Covenant in Curaçao, especially in view of the fact that the Constitution of Curaçao does not recognize most economic, social and cultural rights.
3. Referring to paragraph 9 of the State party's report (E/C.12/NLD/6), please provide examples of how guidance on economic and social rights has been used in legislative and policymaking processes in the Netherlands.

II. Issues relating to general provisions of the Covenant (arts. 1-5)

Non-discrimination (art. 2 (2))

4. Please indicate the extent to which the individual responsibility of the constituent countries of the State party and the differing legislative and policy measures in the Caribbean Netherlands are effective in addressing the unequal enjoyment of economic, social and cultural rights in the State party.
5. Please provide information on the measures taken by the Netherlands to overcome the difficulties relating to the enforcement of the obligation to provide reasonable

* Reissued for technical reasons on 18 November 2016.

** Adopted by the pre-sessional working group at its fifty-ninth session (10-14 October 2016).



accommodation and accessibility for persons with disabilities, as stipulated in the Appropriate Education Act and other regulations.

6. Please provide information on the measures taken by the Netherlands to ensure that asylum seekers can have prompt access to economic and social entitlements, such as adequate housing and access to health care.

7. Please provide information on any assessment of the impact of the implementation of the 2013-2016 Equal Opportunities Letter mentioned in paragraph 35 of the State party's report, including on addressing stereotypes, on improving the availability of affordable childcare services, on advancing women's representation in decision-making positions and on reconciling work and family life in the Netherlands.

III. Issues relating to the specific provisions of the Covenant (arts. 6-15)

Right to work (art. 6)

8. Please provide information on the impact of measures taken by the Netherlands under the 2013 Integration Agenda to combat discrimination against ethnic minorities in the labour market.

9. Please provide information on the impact of the measures taken to address the root causes of unemployment among youth in Curaçao and Sint Maarten.

10. Please provide information on the impact of the measures taken to promote persons with disabilities' integration into the labour market, as described in paragraphs 30 and 31 of the State party's report.

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

11. Please inform the Committee of any regulatory or policy follow-up to the findings of the investigation undertaken by the Netherlands Institute for Human Rights revealing patterns of exploitation and abuse of migrant workers. Please also clarify whether the adjustment to the relevant legislation and regulations mentioned in paragraph 57 of the State party's report has eliminated discrimination against domestic workers in their exercise of the right to just and favourable conditions of work and the right to social security.

12. Please describe the mechanisms in place to implement the right to equal pay for work of equal value.

13. Please indicate the impact of measures that the State party has taken to achieve tangible progress in reducing the proportion of women in part-time work and the differences in pay between men and women. Please also indicate how effective the measures taken to prohibit discrimination against pregnant women in the workplace have been.

Right to social security (art. 9)

14. Please indicate the extent to which the measures described in paragraphs 61 and 62 of the State party's report address the fact that vulnerable groups are not benefiting from social assistance, including because they lack of awareness of the qualifying conditions or cannot afford to pay into the social security system and because the qualifying conditions are unclear. Please provide information on the corrective measures taken to address the difficulties encountered by municipalities in the delivery of social services the responsibility for which has been devolved to them, such as the services under the Youth Act and the Social Support Act, including owing to a lack of expertise and resources.

15. Please provide information on any assessment made of the impact of changes to the Social Benefit Act and the Disability Assistance Act for Disabled Young Persons, among other acts. In particular, please provide information on whether the qualifying criteria are reasonable and do not exclude individuals and households in need of assistance in the Netherlands.

16. Please provide information on the obstacles to the introduction of a minimum level of social security that enables an adequate standard of living in the Caribbean Netherlands.

Protection of the family and children (art. 10)

17. Referring to the measures taken to improve the situation of older persons in residential care in the Netherlands, please indicate whether the support mentioned in paragraph 125 of the State party's report has been made available.

18. Please provide information on the impact of measures taken to prevent abuse in care facilities in the Netherlands and to provide adequate care and rehabilitation to victims of abuse in such facilities. Please also provide information on measures taken to promote community-based care in the State party for older persons, persons with disabilities and persons with mental health illness.

19. Please indicate the extent to which the merging of centres into joint domestic violence support centres and other measures enable the Netherlands to attend to the increasing number of people who report being victims of domestic violence and to make adequate services promptly accessible. Moreover, please indicate the measures in place to ensure the protection of women who are particularly vulnerable to domestic violence, including those who depend on their partners economically or for their residence permit.

20. Please provide information on the impact of, and challenges encountered in, the implementation of the national plan for halting domestic violence and child abuse in Curaçao. Please provide information on the measures taken to tackle domestic violence in the Caribbean Netherlands and on the enforcement of the criminal provisions punishing child abuse in Aruba.

21. Please provide information on how the current law and policies on licensed prostitution, as well as the proposed bill before the Senate, can prevent and detect clandestine operations and trafficking. Please also provide information on measures taken to ensure that victims of trafficking are informed about the B-8 permit granting temporary residency and the services provided to victims who are not citizens of a European Union country during the three-month reflection period.

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

22. Please indicate the extent to which the measures described in paragraph 103 of the State party's report tackle long-term poverty, in particular among disadvantaged and marginalized groups, and to protect those at risk of poverty.

23. Please provide information on the impact of the immediate measures taken by the State party to mitigate the impact on the most disadvantaged and marginalized groups of rising prices in the Caribbean Netherlands and indicate the extent to which such measures aim to enable an adequate standard of living. Please indicate whether the extra resources made available are commensurate with the level of poverty in the Caribbean Netherlands.

24. Please indicate how the State party ensures that the obligation to provide shelter, mentioned in paragraph 130 of the State party's report, is fulfilled in practice in the Netherlands. Please also indicate how the Netherlands reconciles its core obligations under the Covenant with the entitlements of undocumented migrants to shelter.

25. Please indicate the extent to which the national development plan and the economic plan mentioned in paragraph 237 of the State party's report pursue policies and initiatives targeted at the most disadvantaged and marginalized groups in Sint Maarten, such as undocumented immigrant households.

Right to physical and mental health (art. 12)

26. Please provide information on the impact of measures taken by the State party, such as the Healthy School 2011-2016 strategic plan in Aruba, to reduce the prevalence of obesity among children, especially in Aruba, Curaçao and Sint Maarten.

27. Please indicate what is being done to ensure that the regulations on abortion in the Netherlands do not lead to discrimination against certain groups of women in their exercise of the right to sexual and reproductive health. Please provide information on the impact of measures taken to address early pregnancy in Aruba, Curaçao and Sint Maarten. Referring to paragraph 238 of the State party's report, please comment on the compatibility of the Sint Maarten legislation on termination of pregnancy with the right to sexual and reproductive health.

28. Please provide information on measures taken by the State party to address the impact of business activities on Covenant rights, including the right to health and a safe environment and the right to adequate housing in the State party, such as in the context of refinery activities in Curaçao and of gas extraction activities in the Netherlands.

Right to education (arts. 13 and 14)

29. Please provide data, disaggregated by municipality, sex and ethnicity, on children with disabilities who are not enrolled in school and the measures taken to enable access to inclusive education.

30. Please provide information on the impact of measures taken to address obstacles to access to education by immigrant children, including undocumented children, in Sint Maarten.

31. Please provide information on the measures taken by the Netherlands to assess whether its policies have the effect of maintaining the role of education as a means to level social inequalities and address segregation along racial lines in education. Please also provide information on measures taken to address inequalities in access to quality education in Sint Maarten.

32. Please provide information on the impact of measures taken to address expulsions from and the high drop-out rates in secondary education in Sint Maarten and the high drop-out rates among boys in Curaçao.

33. Please provide information on the impact of measures taken to enforce the 2015 regulations mentioned in paragraph 136 of the State party's report on internships for undocumented minors, asylum seekers and migrants undergoing regularization and to address the obstacles faced by them in accessing higher education in the Netherlands.

Cultural rights (art. 15)

34. Please indicate the extent to which the content of school curricula and, where appropriate, the language of teaching in the Caribbean Netherlands, Aruba, Sint Maarten and Curaçao have been adapted to the local needs and cultures.