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Committee on Economic, Social and Cultural Rights

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Item 6 (a) of the provisional agenda

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

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

Addendum

Replies of the Netherlands to the list of issues*

[Date received: 15 March 2017]

* The present document is being issued without formal editing.

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I. General information

- 1. In light of articles 94 and 19-22 of the 2008 Constitution of the Kingdom of the Netherlands which mention economic, social and cultural matters in terms of policy guidelines and not rights of individuals and groups, please provide information on the legal enforceability of the Covenant rights within the domestic legal order, in particular if the courts are empowered to decide whether the relevant domestic legislation is in conformity with the Covenant standards. In this context, please indicate also whether a holder of rights enshrined in the Covenant can assert them before the courts and obtain redress, and if so, provide examples of relevant case law.**

1. It should be stressed that all the Covenant's provisions are binding on the contracting parties, thus including the Kingdom of the Netherlands. The Netherlands is bound by international law to enable everyone within its jurisdiction to exercise the rights set out in the Covenant. In the government's opinion, the obligations created under the terms of the Covenant have been adequately incorporated into national legislation.

2. Whether specific provisions may be directly invoked in legal proceedings is a separate question. Under article 94 of the Constitution, statutory regulations in force within the Kingdom are not applicable if they are in conflict with treaty provisions that are binding on all persons. Treaty provisions that qualify as "binding on all persons" may be applied directly by the courts. The Covenant's provisions generally do not qualify as such.

3. The influence of international provisions is not confined to cases in which provisions are deemed to be "binding on all persons". Courts can interpret a national statutory provision in accordance with an international legal norm to ensure compliance. In a judgment of 7 May 1993, the Supreme Court determined that, although article 7 of the ICESCR does not have direct effect, "the guarantee of equal pay for equal work in the Covenant is a goal that should be worked towards. To assume too readily that a reasonable and objective justification exists for a pay difference that is at odds with the principle of equal pay for equal work would not be consistent with this view." On the basis of this latter consideration, the Supreme Court ruled that the court of appeal's ruling justifying unequal pay could not be upheld. The court of appeal's judgment of 28 April 2009 likewise attached great importance to article 7 of the ICESCR in interpreting what it means to behave as a "reasonable and fair employer", a term that lacks a specific definition.

- 2. Please clarify the status of the Covenant in Curaçao, especially in view of the fact that its Constitution does not recognize most economic, social and cultural rights.**

4. In the legal order of Curaçao, treaties take precedence over local legislation. Several articles in Curaçao's Constitution (Staatsregeling van Curaçao, chapter 1, Official Bulletin (PB) 2010 no. 86) refer to economic and social rights, as follows:

- Art. 21 — right to education;
- Art. 22 — right to free choice of employment;
- Art. 23 — right to a livelihood and social welfare;
- Art. 24 — protection of the environment;
- Art. 25 — public health;
- Art. 26 — protection of the family, of children, and of equality between men and women;
- Art. 27 — protection of young people's right to education, to cultural development, and to the pursuit of sports and other leisure activities.

5. These core rights laid down in the Constitution of Curaçao are further elaborated in several ordinances, which have been promulgated anew since the constitutional changes of 2010 as Official Bulletin (PB) 2010, nos. 86 and 87.

3. **Referring to paragraph 9 of the State report, please provide examples of how the guidance on economic and social rights have been used in legislative and policy-making processes in the Netherlands.**

6. This guidance was used in the drafting of policy and legislation to provide an initial broad overview of information on economic, social and cultural fundamental rights. In this context, it provided lawyers and policymakers with reference points enabling them to ascertain, in drafting and examining policy/legislation, whether these fundamental rights may or should be taken into account, and if so to what extent. The guidance was incorporated into the model for the Integral Assessment Framework. A more detailed version was prepared last year. It was completed at the end of December and has a wider material scope.

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

Article 2, paragraph 2 Non-discrimination

4. **Please indicate to what extent the individual responsibility of the constituent countries of the State party and differing legislative and policy measures, in the case of the Caribbean Netherlands, are effective in addressing the unequal enjoyment of economic, social and cultural rights in the State party.**

7. The Covenant obliges the State Party, the Kingdom of the Netherlands, to guarantee the rights enshrined in it to all citizens. It does not, however, prescribe a specific choice of means or policies to reach that goal. Within the Kingdom of the Netherlands, socioeconomic policies are the autonomous responsibility of the constituent parts, provided they meet the standards imposed by the Covenant. Differences may exist between the European and Caribbean parts of the Netherlands. These differences are due to the fairly recent integration of these constituent countries and will gradually disappear in the course of the progressive realisation of the rights set out in the Covenant.

5. **Please provide information on the measures taken by the Netherlands to overcome difficulties relating to the enforcement of the obligation of provision of reasonable accommodation and accessibility for persons with disabilities, as stipulated in the Appropriate Education Act and other regulations.**

8. The Dutch Inspectorate of Education ensures that schools perform their statutory duties, including those relating to the provision of appropriate education (duty of care). The inspectorate's tasks are regulated in the Primary Education Act, the Secondary Education Act, the Expertise Centres Act and the Education Inspection Act.

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.**

9. During the asylum procedure, asylum seekers are housed in reception centres, where they are entitled to benefits and medical care. For children, education is compulsory. Unaccompanied migrants under 18 years of age are assigned a guardian and placed in foster families or safe reception centres with special supervision. Asylum seekers whose applications are rejected are required to leave the Netherlands within 28 days, during which period they may continue to use the facilities in the reception centre. If the person's return has not been effected within 28 days, they are moved to a centre for restrictive accommodation (VBL). Asylum seekers living in a VBL are subject to constraints on their liberty: they are required to remain within the municipality in which the VBL is located.

10. In the Netherlands, migrants — like all other persons — are entitled to receive medical care. The medical expenses of individuals residing in a reception centre run by the Central Agency for the Reception of Asylum Seekers (COA) or the Guardianship

Institution for Unaccompanied Minor Asylum Seekers (NIDOS) are paid by these agencies. Contracts have been signed to this end with the insurers Menzis and VGZ, respectively. This means that the individuals concerned are assured of care that is equivalent to the provision of basic healthcare insurance plus additional coverage. For public healthcare provision, agreements have been concluded with the umbrella organisation GGD GHOR (Municipal Health Service / Regional Medical Emergency Preparedness and Planning, formerly known as GGD Netherlands). As far as is possible, those concerned receive care from the regular healthcare services. Residents of a COA-run reception centre who wish to consult a family doctor can go to a special health centre for asylum seekers, which has set consulting hours.

11. Anyone residing in the country without authorisation is in principle required to pay for their own medical care. However, many lack the necessary means to do so. This does not mean that they are turned away. Irregular migrants are entitled to essential medical care. It is up to the medical practitioner to determine whether or not care is essential. The Healthcare Institute of the Netherlands (ZiN) has concluded contracts with a number of healthcare institutions and practitioners. Under section 122a of the Healthcare Insurance Act, the practitioner concerned can apply to the ZiN for reimbursement of the costs incurred.

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

12. The findings of a midterm review and assessment of the equal opportunities policy revealed progress in areas including employment. Several monitors show a slight upward trend. The findings did not prompt any major adjustments to existing policy. They did show, however, that it is difficult to establish a causal effect between the policy pursued and progress in equal opportunities, since many external factors in society can influence whether objectives are achieved.

13. The government has worked actively to increase economic independence among women and to ensure that women and men are represented equally in decision-making positions:

- Between 2005 and 2015 the proportion of economically independent women in the age range 20 to 64 rose from 46% to 54%. The largest growth took place in the years before 2008, the year the economic crisis ushered in a period of stagnation or very limited growth. Between 2013 and 2015, women's economic independence increased by 1 percentage point.
- On 30 September 2016, women held 32.8% of the top positions in central government. However, despite the introduction of temporary special measures aimed at the business community, the percentage of women on company boards continues to lag behind. Between 2012 and the end of 2014, the proportion of women on boards of directors rose from 7.4% to 9.6% and the proportion of women on supervisory boards rose from 9.8% to 11.2%.

14. This government has introduced many measures that make it easier to combine work and care. Besides modernising the provisions governing leave, as noted in paragraph 36 of our report, the Flexible Working Arrangements Act entered into effect on 1 January 2016. Under this Act, employees are entitled to ask their employer to modify their working hours and/or schedule. Employees can also ask to change their workplace, for instance to work from home one or more days a week.

15. Affordable childcare is an important condition enabling parents to combine work and care. This impacts most notably on the number of hours women engage in paid employment. The government has therefore invested in making childcare more accessible. In 2014 childcare benefit was structurally increased by €100 million, followed by a further structural increase of €290 million in 2016. In 2015 and 2016 the period of eligibility for

childcare benefit during unemployment was increased from three to six months. In 2017 the government budget for this benefit will be increased by an additional €200 million.

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

Article 6

Right to work

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.

16. The Netherlands cannot provide a description based on systematic evidence of the impact of our anti-discrimination policy. The policy is geared towards suppressing discrimination (a substantive aim) and towards raising awareness of discrimination (a gradual process), thereby ensuring that more people will be willing to report violations.

17. The only indicator we use is the number of reports of discrimination to official bodies. Fewer incidents were reported in 2015 than in 2014,¹ but in 2014 far more incidents were reported than in previous years. The reasons are unclear. Does this mean that the policy pursued has had a positive impact? Or that people were more aware and more willing to report incidents in 2014 than in 2015? We cannot say with any certainty. Discrimination is to a large extent a subjective perception that is difficult to measure using objective indicators. However, it is essential for the government to adopt a clearly visible stance and set certain standards.

18. Notwithstanding these remarks, a large-scale study did illuminate the extent to which discrimination is experienced,² and a practical test was conducted to discover the extent of actual discrimination in recruitment and selection.³ These studies will be repeated in the years to come, making it possible to track trends in the extent of discrimination and monitor the effectiveness of the policy pursued.

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

19. Curaçao: The youth unemployment rate fell from 37.2% in 2013 to 23.7% in 2015. The government reintroduced a tool that has proven effective in the past, the “Lei di Bion” (Official Bulletin (PB) 1989, no. 74). Under the terms of this Act, employers who employ young people for one year are exempt from the customary payments of these employees’ taxes and social security contributions. Besides the above-mentioned legislation, a wide-ranging project entitled “1,000 Young People in Employment” was successfully launched. It provides on-the-job training opportunities linked to guaranteed employment (with projects including the construction of a new hospital, sustainable processing of waste, the renovation of the historic monument Fort Beekenburg, and a mobile dental clinic). Young people who had previously found it difficult to hold down a job were required to attend a training course to improve their work ethic and to internalise the appropriate skills and attitudes to work. The “1,000 Young People in Employment” project is set to run for four years. Two hundred young people have taken part to date, of whom some 20 have since been given permanent contracts.

20. Sint Maarten: The Department of Labour is in the process of developing a policy to address youth employment. In 2013, the department initiated the School-to-Work-Transition Survey (SWTS) based on the International Labour Organization (ILO) model.

¹ <https://www.cbs.nl/nl-nl/achtergrond/2016/49/minder-meldingen-van-discriminatie-in-2015>.

² https://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2014/Ervaren_discriminatie_in_Nederland, SCP 2014.

³ <https://www.rijksoverheid.nl/documenten/rapporten/2015/09/01/discriminatie-in-de-wervings-en-selectiefase-resultaten-van-virtuele-praktijktests>.

This survey intends to highlight critical information about the important choices students make during their final year of Secondary Education and increase the participation of workers. Accurate and reliable statistics are needed for this policy to get moving. As this is a fairly new project, each year the department improves the manner in which the survey is executed, amended and/or expanded. The survey produces relevant labour market information on the youths and its primary objective is to ascertain key information from the targeted population. This information concerns their personal and collective needs, desires and aspirations that will promote and/or assist in the development of a youth employment policy, advocate youth training and skill building programs, stimulate youth employment and participation and stimulate youth forums and youth empowerment. The framework for a Labour Market Policy plan is being prepared. This policy instrument will focus on a range of assistance, training and employment programs to support the unemployed back to work.

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

21. In the 2013 Social Accord, the social partners undertook to create 125,000 jobs for the target group in the employment agreement, to be achieved by the end of 2025. To this end, the Participation Act and the Jobs and Jobs Quota (Work-Disabled Persons) Act (hereafter the Jobs Act), which entered into effect in 2015, contain tools to help create these 125,000 jobs. The aim of the Jobs Act is to give people with a disability more opportunities, thus creating a more inclusive labour market. In 2016 a survey was conducted for the first time to see whether employers had actually created the jobs as agreed. At the end of 2015, 21,057 more jobs for people with a disability had been created with regular employers, relative to the baseline situation: 15,604 in the private sector and 5,453 in the public sector. This means that both private and public sector employers had exceeded their interim targets of 6,000 and 3,000 jobs, respectively, by the end of 2015. Given this result, there is no reason to impose quotas. The number of people belonging to the target group who are now employed directly or through an intermediary rose by 13,847, from 66,328 in the baseline situation to 80,175 at the end of 2015. The number of people employed is smaller than the number of jobs. This is partly because some people have reduced their hours in existing jobs and the number counted for the jobs quota is the number of jobs created rather than the number of people involved.

Article 7

The right to just and favourable conditions of work

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 as to whether the adjustment to the relevant legislation and regulations mentioned in para. 57 of the State report has eliminated the discrimination against domestic workers in their exercise of the right to just and favourable conditions of work and the right to social security.

22. The Netherlands is active on two fronts in raising awareness to prevent trafficking for labour exploitation. Its primary activity is through websites (www.rijksoverheid.nl and www.inspectieszw.nl). In addition, it distributes leaflets in several languages about labour exploitation to alert victims or potential victims in the Netherlands. These sources explain where people can go if they have questions or wish to report labour exploitation or indications of labour exploitation. The Inspectorate of the Ministry of Social Affairs and Employment (SZW Inspectorate) may launch an investigation if it suspects, for instance, that employees are working unduly long hours or being grossly underpaid.

23. The Netherlands works with the main countries of origin of labour migrants in Central and Eastern Europe. The Dutch embassies in Bucharest, Sofia and Warsaw provide potential labour migrants with information on living and working in the Netherlands, for example in workshops and on websites. In addition, frequent consultations take place between the Dutch government and the governments of a number of countries of origin. It

should be noted that the changes referred to in paragraph 57 do not apply to the rights of domestic workers.

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

24. The Minister of Social Affairs and Employment is actively committed to securing equal pay for equal work, both in the Netherlands and throughout the EU, by seeking to amend European legislation negotiated in Brussels, such as the Posting of Workers Directive, in order to prevent exploitation and other abuses, and by enacting the Sham Employment Arrangements Act (Wet aanpak schijnconstructies). Under the terms of this Act, the main contractor retains responsibility for the payment of wages that have been agreed between employer and employee. This means that employees can hold principals higher up in the employment chain liable for payment of the wages to which they are entitled in accordance with their employment contract or with rules and regulations governing the minimum wage.

25. The SZW Inspectorate publishes the names of companies on which administrative penalties have been imposed for non-compliance with rules relating to the employment of foreign nationals or to the posting of personnel by intermediaries.

26. As of 1 January 2016, the statutory minimum wage may no longer be paid in cash. In order to avoid fraud or forgery, the part of the wage equal to the statutory minimum wage must be paid by bank transfer.

27. As of 1 January 2016, employers are also prohibited from withholding expenses relating to real costs (such as housing, work clothes, and travel expenses) from the minimum wage. To promote compliance, employers will be required to specify on payslips all the elements that make up the wage, including allowances for expenses. As of 1 January 2017, an exception was introduced whereby it is permissible to withhold the costs of housing and health insurance under strict conditions (25% only for certified housing and the average nominal premium for health insurance) from the minimum wage.

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 have been the measures to prohibit discrimination against pregnant women in the workplace.

28. Several Dutch labour market policies focus on encouraging women and men to participate in the workforce. The income-related combination tax credit (IACK) is a tax incentive that also targets the amount of hours worked, as it is linked to the income of the secondary earner within the household. The childcare benefit scheme promotes both participation in the workforce and more working hours. In 2016 and 2017 the Dutch government structurally increased the annual budget of the childcare benefit scheme by €490 million, and the annual IACK budget by €250 million. Given that it is part-time workers (especially women) who have the greatest scope for increasing their participation in the workforce, these structural increases are expected to have the greatest impact on them.

29. The 2014 edition of the study “Equal pay for equal work?” (“Gelijk loon voor gelijk werk?”), published by Statistics Netherlands (CBS) in November 2016, reveals that the gender pay gap has narrowed since 2008, in both the private and public sectors. The remaining pay gap is caused mainly by differences in working hours, occupational level and management responsibility. These forms of inequality are addressed in the Netherlands’ equal opportunities policy. At the beginning of 2017, the Minister of Education, Culture and Science will inform parliament of the results achieved by equal opportunities policy in the past few years.

30. It is also important to combat wage discrimination. Following a study conducted by the Netherlands Institute for Human Rights in partnership with the Ministry of Education, Culture and Science and the Ministry of Social Affairs and Employment, a survey was conducted on equal pay at institutions of higher professional education (HBO institutions). In response to the results, the parties to the relevant collective labour agreement initiated

the development of an approach through the HBO institutions' labour market and training fund. A similar survey is planned for the insurance sector.

31. In response to the motion submitted by MP Steven van Weyenberg et al.,⁴ the government held consultations with the Netherlands Institute for Human Rights to consider measures that could be taken to further combat pregnancy discrimination. Partly in view of the results of a recent study on pregnancy discrimination by the Institute for Human Rights,⁵ it was decided to organise a round-table meeting on this subject on 26 September 2016, in collaboration with the Institute for Human Rights, for a wide-ranging discussion on ways of tackling this problem.

32. This meeting involved discussions with the social partners on possible ways of developing a joint approach to clamping down on pregnancy discrimination, supplemental to the existing measures in the Action Plan on Discrimination in the Labour Market (this Action Plan, which was launched in May 2014, now consists of 48 measures and focuses on all grounds for discrimination). Numerous ideas were put forward. Which of these ideas lend themselves for further elaboration is currently being explored. This elaboration is intended to culminate in an action plan on pregnancy discrimination, to be presented to the House of Representatives in Spring 2017.

Article 9

The right to social security

14. **Please indicate to what extent the measures described in paragraphs 61 and 62 of the State report address the issue of non-uptake of social assistance by vulnerable groups, including because of the lack of awareness or clarity of qualifying conditions and affordability of contributions. Please also provide information on the corrective measures taken to address the difficulties encountered by municipalities in the delivery of social services devolved to them, such as those under the Youth Act and the Social Support Act, including due to the lack of expertise and resources.**

33. Since 2015 municipal authorities have been dealing with the decentralisation of responsibility for the Youth Act, the Social Support Act and the Participation Act. One of the aims of decentralisation is to facilitate and encourage the self-reliance of individuals, and to organise services differently and closer to local communities. This makes it easier to tailor support to individual needs and avoid unnecessary bureaucracy. Municipalities are the public authorities best placed to involve the social networks of those concerned and to provide more integrated support tailored to individual situations. Community teams play an important role in this regard.

34. Municipal authorities themselves, frequently in partnership with representatives at national level, are taking a wide variety of actions to improve their work. These include case discussions (specifying problems, the scope for assistance, and whatever impediments may exist), providing support, developing training courses and giving public information. A joint municipal-national programme is being devised to tackle complex questions that straddle different policy areas.

35. Municipal authorities conduct numerous other activities to ensure that people obtain the services to which they are entitled. Public information and the efforts of community teams are among the key factors here. Civil society organisations play an important role in supporting and informing people who are at risk of sinking into poverty and debt. Under its poverty and debt subsidy scheme (2014-2016), the government provided subsidies to civil society organisations that conducted projects aimed at supporting vulnerable groups. To what extent these activities diminished the non-uptake of crisis payments is hard to determine. Entitlement to crisis payments depends on a person's individual situation and expenses.

⁴ House of Representatives, 2015-2016, 30 950, no. 95.

⁵ House of Representatives, 2015-2016, 29 544, no. 695.

36. Regarding paragraph 61: The Social Insurance Bank (SVB) has achieved a 30% reduction in the non-uptake of Supplementary Income Support for the Elderly (AIO). Since it administers the General Old Age Pensions, the SVB knows who is eligible for AIO and can reach out to those concerned directly.⁶

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

37. The government has launched a series of assessments of the experience of stakeholders (clients, municipal authorities, other service providers, etc.) with implementing the Participation Act to be conducted at the beginning of 2015, 2017 and 2019. In the period 2015-2018, those covered by the Work and Employment Support (Young Disabled Persons) Act are being reassessed regarding their capacity to work. This process will also be monitored. The final results of the overall assessment will be presented in 2019.

- 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.**

38. The Netherlands is currently developing a reference point for subsistence (also referred to as the social minimum) in the Caribbean part of the Netherlands. It has been decided to link this reference point to the statutory minimum wage. This guarantees that people will have an incentive to take paid employment. The level of social assistance benefits, relative to the statutory minimum wage, was deemed too low. Therefore the social assistance benefit has been increased substantially per March 2017.

39. An obstacle in this debate is the statutory minimum wage in the Caribbean part of the Netherlands, which is considered low relative to the cost of living. The minimum wage has been raised in recent years on the basis of the income statistics provided by Statistics Netherlands (CBS). The Netherlands strives to promote economic development, which will make a further increase in the statutory minimum wage possible. A rise in the statutory minimum wage will entail a proportionate rise in benefits.

40. The government has promised to provide an objective assessment of the cost of living in the Caribbean part of the Netherlands. At the same time, measures are being taken to reduce the cost of living.

Article 10

Protection of family and children

- 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 para. 125 of the State report has been made available.**

41. In view of the Committee's question, we assume that the reference is to paragraph 124 rather than paragraph 125. All clients residing in nursing homes are entitled to client support under the Chronic Care Act. This means that they are entitled to the assistance of a client support worker when attending a care plan discussion or going through a complaints procedure.

⁶ See <https://zoek.officielebekendmakingen.nl/kst-32037-11.html>.

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 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.

42. The Healthcare Quality, Complaints, and Disputes Act (WKKGZ) lays down the definition of good care. It also imposes on care providers an obligation to report any instance of violence in a care relationship to the Health Care Inspectorate. A set of guidelines has been developed for institutions and professionals with specific reference to the abuse of the elderly. This set of guidelines on “a safe care relationship” focuses on prevention and raising awareness, and suggests the correct course of action if violence does occur within a care relationship. The Youth Act obliges all youth workers to report any instance of violence to the inspectorate without delay.

43. In addition, the government is investing in expanding community-based care by including district nursing in the Health Insurance Act. This means that care and support for the elderly in their own homes is now part of the basic health insurance package. The aim is to ensure that elderly people can continue to live in their own homes as long as possible. For people with mental health problems, the government is promoting outpatient care by developing a guide for insurers and care providers to enable them to conclude agreements on the organisation of this care at regional level. The Social Support Act obliges municipal authorities to put facilities in place for persons afflicted by long-term mental health problems. Such facilities concern, among other things, supervision in the home or sheltered housing for those who are unable to live completely independently.

19. Please indicate to what extent the merging of centres into joint Domestic Violence Support Centres and other measures taken enable the Netherlands to attend to the increasing number of victims reporting domestic violence and to make adequate services promptly accessible. Moreover, please indicate the measures in place to ensure protection of women that are particularly vulnerable to domestic violence, including those who depend on their partners economically or for their residency permit.

44. The merger of the Advice and Reporting Centre for Child Abuse and Neglect with the Domestic Violence Advice and Support Centre into “Safe at Home” centres has made it possible to tackle domestic violence and child abuse more effectively. There is now a single service where individuals and professionals can go to report domestic abuse and child abuse or receive advice. There is now an integrated framework to address these two forms of abuse. The organisation of Safe at Home centres is the statutory responsibility of the municipal authorities. The Netherlands has 26 such centres, which can be contacted through a free national telephone number. They work closely with the police, the Public Prosecution Service, the Child Protection Board and local support services. The Association of Netherlands Municipalities (VNG) supports the local authorities and the Safe at Home centres. The programme is financed by the Ministry of Health, Welfare and Sport and the Ministry of Security and Justice.

45. There is a wide range of services and measures to help victims. For instance, there are shelters for women and their children. In addition, mayors have the authority to impose temporary domestic exclusion orders on perpetrators of domestic and/or child abuse. Specific services are in place for the girl victims of “loverboys” (Romeo pimps). Furthermore, a plan of action has been developed to prevent female genital mutilation and provide help to victims. There is a National Expertise Centre on Forced Marriage and Abandonment, whose work includes helping women and girls who have been abandoned in a foreign country to return to the Netherlands (in cooperation with the Ministry of Foreign Affairs and the relevant embassies). Professionals in the field of education, healthcare and (judicial) services use a protocol with guidelines for responding to cases of known or suspected domestic violence and/or child abuse. Migrants (both men and women) who are legally resident in the Netherlands with their spouse or partner on the basis of a dependent residence permit may apply for an independent residence permit after five years of legal residence. However, if a relationship ends as a result of domestic violence the victim can

apply for an independent residence permit before the requisite five-year period of legal residence has elapsed. Migrants in the country without authorisation may apply for a residence permit on grounds of domestic violence.

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

46. The Caribbean part of the Netherlands: To tackle domestic violence, the State Secretary for Health, Welfare and Sport announced in the progress report of 4 October 2016 on violence in relationships of dependency (Parliamentary Papers, House of Representatives 2016-2017, 28 345, no. 170) that he wishes to conclude an agreement with the authorities of the Caribbean part of the Netherlands for the period 2017-2020 to strengthen policy on combating domestic violence. The priorities of this agreement include prevention of domestic violence, promoting the expertise of professionals and strengthening the cohesion of cooperation and support throughout the system, including setting up shelters. In addition, a conference is to be held in 2017 to further consolidate cooperation on tackling domestic violence within the European and Caribbean parts of the Netherlands.

47. Aruba: Cases of child abuse are referred to the duty public prosecutor and undergo initial screening by the public prosecutor and the criminal investigation department. The examination focuses on the prospect of conviction (the likelihood of identifying the suspect) and the seriousness of the offence (common assault and aggravated assault).

48. The Public Prosecution Service works in close cooperation with the youth and vice unit (JZP), the criminal investigation department and the victim assistance bureau. The children concerned are interviewed by certified staff of the JZP, who make use of dolls and drawings in these interviews.

49. Curaçao: Curaçao's National Plan does not yet include all groups of potential victims, but it will be expanded to do so in the near future. The Ministry of Social Development, Labour and Welfare provides annual courses to raise awareness of these issues. The courses highlight the social and cultural conditioning that underlies domestic violence. They focus on the protocol that was drawn up in consultation with the Minister of Justice and draw attention to the various types of support that are available for victims. In the past year, 12 participants followed the course, which was actively supported by instructors from the police service and Amnesty International Curaçao. Another measure taken to raise awareness of domestic violence was responding to the call to take part in 16 days of activism this year, from 25 November to 10 December: the "Orange the World" campaign.

21. Please provide information 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 to ensure that trafficking victims are informed about the B-8 permit granting temporary residency, and the services provided to the non-EU victims during the 3-month reflection period.

50. The Regulation of Prostitution and Combating Abuses in the Sex Industry Bill (WRP) is expected to produce a better picture of the extent to which prostitution occurs in the Netherlands, since it introduces an obligation on all sex businesses to obtain licences. Besides setting a minimum age of 21 for sex workers, the Bill also introduces a licensing system for all kinds of sex businesses and obliges anyone applying for a licence to operate a prostitution business to submit a business plan that includes measures to protect sex workers' autonomy.⁷ The Bill also lays down clear, uniform rules for sex businesses that will improve the position of sex workers. The stricter regulations should enhance oversight and control of the industry, and help tackle abuses such as human trafficking.

⁷ Parliamentary Papers 32 211. Rules concerning the regulation of prostitution and measures to combat abuses in the sex industry (*Wet regulering prostitutie en bestrijding misstanden seksbranche*).

51. All victims of human trafficking are offered protection, regardless of their willingness or ability to cooperate in legal proceedings. Victims do not have to report human trafficking to the police immediately. In case of even the slightest indication of human trafficking, the police or the Royal Military and Border Police at Schiphol Airport will offer non-EU nationals without a residence permit who are presumed to be victims of trafficking time to consider whether they want to press charges. During this “reflection period” of up to three months, they are referred to shelters providing specialist care for victims of human trafficking (COSM). Seventy places in total (for men and women) in three different locations are available. Besides accommodation and support, victims can also obtain legal and other forms of counselling and advice at or through the COSM, for instance in relation to lodging a criminal complaint. Minors who may possibly be victims of human trafficking are placed in protected residence facilities and assigned a guardian. When a presumed victim is offered a “reflection period”, the police will give him or her an application form for funds under the Regulations on Provisions for Certain Categories of Aliens (RVB). These regulations enable the presumed victims to pay for their living expenses and guarantee them insurance for medical expenses.

52. If a victim has lodged a criminal complaint and the prosecution has resulted in the perpetrator’s conviction, the victim can obtain a permanent residence permit. If the criminal investigation and/or prosecution takes three years or more, the victim can apply for his or her temporary residence permit to be extended, regardless of the stage or outcome of the criminal proceedings. The victim is also entitled to apply for his or her residence permit to be extended if the charges are dropped.

53. Victims who are unable to cooperate with the authorities due to individual circumstances, such as serious threats or physical or mental health problems, may apply for a residence permit on humanitarian grounds. This policy rule has been explicitly drawn to the attention of the police, health and social care workers and the Immigration and Naturalisation Service (IND) in response to the Dutch National Rapporteur’s observation that this possibility is only invoked a few times a year. In addition, an amendment has been made to the Aliens Act Implementation Guidelines: the police are no longer obliged to take a statement from a person who is a victim of trafficking. In accordance with the new policy rules, it is sufficient to record that there are indications of human trafficking.

Article 11

The right to an adequate standard of living

22. Please indicate to what extent the measures taken in the Netherlands, as described in paragraph 103 of the report, tackle long-term poverty, particularly among the disadvantaged and marginalized groups, and to protect those at risk of poverty.

54. The government works actively to achieve a balanced development of income, for instance by making funds available on a structural basis to help prevent and combat poverty and debt. Earlier estimates by Statistics Netherlands (CPB) in 2016 point to a decline in purchasing power among some sections of society. The government therefore decided to introduce extra structural measures to boost purchasing power from 2017 onwards. This year a further €1.1 billion is being invested to support those on the lowest incomes, with rises in allowances such as housing benefit, healthcare benefit, the elderly person’s tax credit and the child budget. Employees with a low income and employees with children also benefit from increases in the employed person’s tax credit, the income-related combination tax credit and childcare benefit.

55. As announced in the coalition agreement of the current government, €100 million is available for policies to combat poverty and debt, €90 million of which is allocated to municipalities, which bear primary responsibility for these policies in the Netherlands. The government has also made an extra €100 million available to help children living in poverty. Of this sum, €85 million goes to municipalities, €14 million to national and supra-municipal initiatives and €1 million to helping children in the Caribbean part of the Netherlands.

56. The government also has a national subsidy scheme through which it supports projects set up to combat poverty and debt among vulnerable target groups such as one-parent families, long-term low-income households, non-Western households and other vulnerable groups identified as such by the state secretary.

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

57. The Netherlands is taking steps to reduce the cost of living in the Caribbean part of the Netherlands, the main focus being on lowering the cost of food, basic commodities and housing. Lowering these costs will increase the disposable income of groups with a relatively low income.

58. Improvements can be made in the realm of pricing policy, market mechanisms, reductions in freight charges and methods of importing and procurement. The aim is to achieve concrete results by using specialist expertise. A study is currently charting the development of prices since 10 October 2010. On the basis of this information, it will be decided whether more far-reaching measures are necessary.

59. In relation to housing, efforts focus on improving the housing market and expanding the availability of social housing. This should boost the number of affordable homes for lower income groups.

60. Adjustments to the tax regime and social security contributions take account of the cost of living (for instance by expanding the exemptions to General Expenditure Tax (ABB) for services such as utilities).

61. Active efforts are being made to develop agriculture and horticulture on the islands, for instance by financing projects directly and by deploying expertise from the Netherlands. An increase in the islands' own agriculture production will expand the supply of local produce and reduce dependency on expensive imports.

24. Please indicate how the State party ensures that the obligation to provide shelter, mentioned in para. 130 of the State report, is fulfilled in practice in the Netherlands. Please also indicate how the Netherlands reconciles its core obligations under the Covenant with the conditions for undocumented migrants to be entitled to shelter.

62. In addition to paragraph 130 of the report, municipal authorities are responsible for providing shelters in the community pursuant to the 2015 Social Support Act. The number of clients making use of these shelters, the average length of stay, the problems that clients experience in diverse areas of life, and the shelters' capacity are monitored, with the findings being published in national reports. Other matters relating to shelters in the community are also monitored. These include their accessibility throughout the country, which is studied using "mystery guest" research. If a municipal authority is found to be systematically failing to comply with this obligation, it is called to account by the State Secretary for Health, Welfare and Sport in the framework of supervision of lower-tier authorities. The authority is required to respond by taking adequate measures.

63. With regard to the provision of shelter to undocumented migrants, the government would refer, first and foremost, to its response to question 6. The entitlement to use reception facilities also applies to irregular migrants. It should also be noted that the current system ensures that no migrant is obliged to live on the streets. At centres for restrictive accommodation (VBL), individuals receive assistance in arranging their departure, in addition to food, medical care, and other services. Admission to a VBL is conditional upon the person concerned making a genuine effort to arrange his or her departure. This condition does not apply in special circumstances, for example if the person's mental state is such they cannot be held responsible for refusing to cooperate.

64. On 28 July 2016 the European Court of Human Rights (ECtHR) published its decision in *Hunde v. the Netherlands* (17931/16). This case concerned a complaint from a failed asylum seeker under articles 2 and 3 of the European Convention on Human Rights (ECHR) about the denial of shelter and social assistance. The applicant further complained that the requirement to cooperate in his own expulsion in order to receive social assistance as an irregular migrant amounted to treatment contrary to human dignity. The ECtHR declared the complaint manifestly ill-founded and inadmissible.

65. The ECtHR does not regard the fact that admission to a VBL is subject to the condition that an applicant cooperate in organising his or her departure to his country of origin, as such, as incompatible with article 3 of the European Convention on Human Rights (ECHR). The ECtHR reiterates that there is no right to social assistance as such under the ECHR. To the extent that article 3 requires States to take action in situations of the most extreme poverty — also where irregular migrants are concerned — the ECtHR notes that the Dutch authorities have already addressed this in practical terms, for instance by making it possible to seek admission to a VBL and/or to apply for a “no-fault residence permit”. The ECtHR concludes that it cannot be said that the Dutch authorities have fallen short of their obligations under article 3 ECHR by having remained inactive or indifferent.

25. Please indicate to what extent the National Development Plan and the Economic Plan, mentioned in paragraph 237 of the State report, pursues policies and initiatives targeted at the most disadvantaged and marginalized groups in Sint Maarten, such as undocumented immigrant households.

66. The National Development Plan and the Economic Plan are yet to be finalized. However, our government has identified several issues pertaining to the most disadvantaged and marginalized groups in St. Maarten. In May 2017, a workshop will be held between government, private sector and civil society to come to a consensus on some of the most pertinent challenges being faced by our country and how to best prioritize these to most adequately address these issues. In this workshop, it is expected that goals and objectives will be identified as well as risks and bottlenecks in how to achieve these development objectives.

Article 12

The right to physical and mental health

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.

67. Aruba: The Healthy School pilot project, which ran in five schools for a period of three years, was completed at the end of 2016. At this stage it is too soon to measure any reduction in the prevalence of obesity, since any health promotion programme devised to encourage changes in behaviour takes time. The aim is to finalise the pilot project and then to issue recommendations for the programme’s implementation at all primary schools. The rollout will take place in phases, depending on human capacity and financial resources. It should also be emphasised that the Healthy School pilot project comprises more than a drive to combat obesity. It includes a holistic approach to promoting health based on social and mental well-being as well as physical health.

68. Curaçao: Given the research conducted by Ministry of Health, Environment and Nature (www.vic.cw) that concluded that a low level of physical activity and an unhealthy diet are major predictors of obesity and related health problems, students in Curaçao have a relatively high risk of developing these disorders.

69. The following intervention strategies have been developed by the Ministry of Health, Environment and Nature (GMN) to curb the rising trend of obesity among children and young people:

- (1) The recognition of obesity as a chronic disease;

- (2) The relaunch of periodic medical examinations by the Youth Health Care Service of the Ministry of GMN; and
- (3) An increase in the hours devoted to physical education classes at school.

70. One-third (32.6%) of students reported that they had attended physical education classes on three or more days a week during the current school year. The proportion of male students who reported this frequency of attendance was not significantly different from that of female students (35.6% as opposed to 29.8%). No significant differences were observed across age categories. One-fifth (20.8%) of students reported that they had not attended any physical education classes in the current school year (see Annexe).

71. Sint Maarten: Promoting the health and well-being of the people remains a priority of the Government and is even included in Article 21:1 of our Constitution. To that end, over the past four years the Government has initiated or supported a number of breakfast programs in schools, providing healthy meals in an effort to combat child obesity. The Collective Prevention Services (CPS) Breakfast Program was a pilot project commissioned by the Government of Sint Maarten. An example of a typical breakfast included a sandwich made with two whole grain slices of bread, a protein source, one serving of fruit, a yogurt cup and a bottle of water. This breakfast program ran from August to December 2012. The Government then entered into a public-private partnership with the airport, patterning a new breakfast program based on that provided by the CPS. This program we are proud to say is ongoing. The Government also collaborates, funds, and endorses the work carried out by community organizations. The Sunrise Rotary Club, for example, has initiated their own breakfast program which involves raising funds for the provisioning of breakfast to four selected schools. In addition, physical education remains an integral part of the curriculum and government sponsors a number of sports related events and activities. Since 2015, the Department of Sports has hosted the Brown Pelican Award which awards outstanding achievement in sports and recognizes the work of sports pioneers and patrons in our community. This bolsters the image of sports and helps to promote a healthy lifestyle.

27. Please indicate what considerations are being made to ensure that 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 also 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 report, please comment on the compatibility of the Sint Maarten's legislation on termination of pregnancy with the right to sexual and reproductive health.

72. Abortion care and counselling are accessible to all women in the Netherlands, regardless of factors such as a woman's origin or social status or the region in which she lives. There are currently fourteen clinics around the country. Women can seek help at these clinics anonymously; no conditions are attached to admission. Furthermore, since treatment is given free of charge, there is no cost barrier for those in a vulnerable financial position.

73. Aruba: The annual number of live births to mothers aged 15 to 19 is approximately 40 per 1,000 (Aruba Health Monitor for 2013), a figure that has remain unchanged for the past 10 years. The agency Family Planning Aruba (FPA) is constantly evaluating the current trends and challenges to improve the services it offers to different target groups (children, young people, adults). Research conducted in 2013 showed that around 90% of young people aged 11 to 21 were familiar with the FPA and its services.

74. Curaçao: The number of live births to mothers aged 15 to 19 fell in 2015 (Annexe). This may be due to the impact of the "Biba Amor" project that is conducted at schools but that is not yet compulsory.

75. Sint Maarten: Abortion does remain illegal on Sint Maarten but, as noted in the report, there was an ongoing review of the legislation. To date, a policy draft, the Sexual and Reproductive Health Policy, has been completed and will be shared with stakeholders in 2017. Upon incorporation of pertinent feedback, this policy will be sent for ministerial approval. This policy is aimed at ensuring the sexual and reproductive health rights for all are acknowledged and protected on Sint Maarten. Abortion, in said policy is defined as

Medical Termination of Pregnancy. There are a number of policy commitments pertaining to Medical Termination of Pregnancy that range from education to access of services, counselling and aftercare. After said approval is received all laws that encumbers the implementation of the policy will be amended. This includes the law that prevents termination of pregnancy. Moreover, each woman is encouraged to seek a medical check-up from a Gynaecologist/Midwife upon realizing that she may be pregnant. Women that are covered by medical insurance must access this check-up by referral from their General Practitioner (GP). The gynaecological visit usually occurs within two weeks and the costs are covered by their medical insurance company. Women that do not have medical coverage are encouraged to seek the same medical check-up, however they must make their own appointments and incur all costs. These costs are kept as affordable as possible and appointments made by these women also occur within a two week period.

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

76. Small Island Developing States often fail to impose any demands on large companies that wish to develop economic activities; this has been the case in Curaçao, even where such activities may have a negative impact. However, the Ministry of Health, Environment, and Nature (GMN) is currently leading a technical and environmental audit of the Isla Refinery. For this audit, external experts from Fluor have been brought in to support the Environmental and Nature Inspectorate.

77. Civil society organisations have often drawn the government's attention to air and other forms of pollution and their adverse impact on public health, and the courts have ordered the parties to enter into consultations. The government wishes to observe that all air and other environmental pollution will disappear as soon as Isla switches to gas, an operation expected to take at least five to ten years. The use of cleaner energy and other forms of modernisation have also been postponed to sometime in the future due to lack of funds. Armed with this experience, the government has adopted a robust approach to the negotiations on the refinery's future, invoking international environmental standards. A "Heads of Agreement" has now been signed with the Chinese company Guangdong Zhenrong Energy Co. Ltd (GZE), including the condition that Curaçao's oil and energy sector be modernised.

78. As far as gas extraction is concerned, companies wishing to extract gas in the Netherlands must first obtain a licence under the Mining Act. The authorities take the safety of those living in the surrounding area and the prevention of damage to buildings into account when deciding whether to issue such a licence. If damage does occur as a consequence of gas extraction, those affected can claim compensation on the grounds of strict liability under the relevant provisions of the Civil Code. Gas extraction in the Groningen field has been shown to have caused earthquakes that have damaged houses and other structures. Since the extent of this problem was made clear, a package of measures has been introduced. First, gas extraction operations in the Groningen field have been scaled down considerably since 2013; second, measures have been taken to limit the effects of earthquakes. For instance, a programme has been introduced whereby houses are inspected and structural reinforcement measures taken where necessary.

Articles 13 and 14 The right to education

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

79. The Netherlands is unable to provide this information because no statistics are available in this connection. The statistics relating to children who are not attending school

or who are exempt from compulsory education are not broken down by gender, ethnicity or disability.

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.

80. In 2009, Sint Maarten implemented the compulsory education law in a five-phase approach and to date, all five phases have been implemented. This means that all children residing on Sint Maarten between the ages of four and eighteen, including undocumented children, must attend school and stay in school. In the case of undocumented children, from 2004-2006, the Ministry of Education, Culture, Youth and Sport introduced a pilot program for transitional classes. The main target group was primary school children. The pilot program provided intensive tutoring for children having difficulties learning the English language be able to perform at age or grade level. This program is often used in Elementary schools with small groups (4-5) students at a time depending on subject, age, and language fluency. Because of the small classes students feel comfortable in taking education risks which consequently speeds up their language acquisition. Research is ongoing to ascertain the best approach moving forward to ensure the viability of this program as well as future methodology.

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.

81. To ensure that all children and young people, regardless of their origin, have equal opportunities to develop their potential, the Dutch government has devised a plan of action containing proposals to promote equal opportunities in education. The focus is on improving transitions between levels of schooling, to ensure that pupils and students who receive less support and encouragement at home also have the opportunity to develop their potential. Examples include investment in bridging programmes and improvements in the transition from secondary vocational to higher professional education, as well as more general efforts to bolster what has traditionally been a strength of the Dutch education system, namely the opportunity to progress successively from each level of education to a higher one. The Netherlands will be implementing and evaluating this action plan painstakingly over the next two years, so that at the end of this period we have a good understanding of which measures really work in practice and can introduce them on a permanent basis. Besides this action plan, the Equal Opportunities Alliance was launched on 31 October 2016. This alliance is an open network set up by and for professionals within and outside the education sector. We seek to bring these parties together as sources of inspiration both within and beyond the network, so that they can pool their expertise and scale up measures that have been proven successful. Existing partnerships can link up with the alliance to form a single national movement to promote equal opportunities. The underlying principle is that the partners to the alliance will each formulate specific plans, based on their own role and responsibility, in terms of targeted actions and activities. This means that the alliance will not only be an ideas network, but also a vanguard for change.

82. Sint Maarten: The Inspectorate of Education is responsible for ensuring quality compulsory education and in doing so maintains in close contact with the relevant school boards. With regards to tertiary education, the University of St. Martin (USM) continues to pursue agreements with partner universities to ensure that programs are enriched and qualifications accepted and transferable.

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

83. Curaçao: The Youth Education Programme (SVP) is part of Curaçao's regular education policy and its administration is one of the regular responsibilities of the Ministry of Education, Culture, Science and Sport.

84. The policy framework "Yuda skol yuda su alumno" ("Help schools help their pupils") is a programme set up to reduce the dropout rate. The Youth Education Programme (SVP) now has an option for young people to join the educational experiment entitled "SBO1 plus" (run by the Public Authority Schools Service (DOS)) with intensive supervision and care provided by the educational reform organisation FIDE and the Sentro Guia Edukashonal (Centre for Educational Guidance; SGE).

85. These courses taught at the standard SBO (secondary vocational education) level 1 for young people aged 16 to 24 without a school-leaving certificate can enable anyone who wants to obtain a basic qualification at the standard SBO level 1 or higher to do so. This level was chosen because its curriculum is better attuned to the needs of the target group (mainly boys). The course will widen their employment potential as well as ensuring that they are better prepared for any additional courses they may want to follow.

86. Sint Maarten: In case of expulsion a school has to provide a dossier on the student. They have to provide sufficient proof that everything within their power was done to prevent expulsion. Only then the expulsion can take place. The school board has to meet with Truancy Section of the Inspectorate of Education and a Head Inspector to discuss if the student can stay or not. The school board has the final decision, since the law doesn't clearly state what the role of Truancy Section concerning expulsions is. Renewal of these laws to refine these rules is crucial. To avoid a student reaching to the point where the only viable option is expulsion, a number of measures have been put in place. Schools are obligated to report absenteeism that is consecutive to the Truancy Section of the Inspectorate of Education. Truancy will then intervene by making phone calls and/or house visits to motivate students to get back to school. In addition, the Inspectorate of Education is using a pilot framework where school management is also being interviewed to set out markers that could indicate methodology that may increase rates of absenteeism and drop-outs. In addition, schools are encouraged to minimize suspensions and do more in house suspension and detentions. In the event of a suspension, schools have to discuss with Truancy first the amount of days that a particular student would be suspended, based on the gravity of the case. Moreover, all schools are equipped with a care team and students are directed to this team for counselling and overall guidance to avoid and/or address incidences that may lead to suspension or drop-out.

33. Please provide information on the impact of measures taken to enforce the 2015 regulations mentioned in paragraph 136 of the State report on internships for undocumented minors, asylum seekers and migrants under regularization, and to address the obstacles to their access to higher education in the Netherlands.

87. Asylum seekers who have been granted temporary residence permits have the same rights and obligations as Dutch nationals. They are therefore entitled to serve internships. For asylum seekers who have not been granted temporary residence permits, the rules are as follows. Employers who allow a migrant to perform a compulsory internship as part of the course of education they are attending are exempt from the obligation to apply for a work permit for the intern. Certain conditions apply: the internship must be compulsory, the student must have started on the course before his or her 18th birthday, and the internship must be unpaid (aside from travel expenses). There is a list of the courses to which this rule applies in article 1f of the Foreign Nationals (Employment) Act (Implementation) Decree. They include the vocational training (BOL) module of secondary vocational education, practical training, programmes combining work and study, and the course providing admission to secondary vocational education and the labour market activities and further education pathways of special secondary education.

88. In addition, the Ministry of Education, Culture and Science (OCW) monitors the continuing availability of sufficient internship opportunities. According to the employers' association for small and medium-sized enterprises VNO-MKB and the Organisation for Cooperation between Vocational Education, Training and the Labour Market (SBB), employers are very positive about granting internships to refugees. The Ministry of OCW has put the Dutch Refugee Council in touch with the SBB so that it can explain the procedure to employers who are interested in offering such an internship.

89. Many different measures are in place to help migrants aged 18 and over who are in the possession of residence permits to find suitable courses in secondary vocational or higher professional education. These measures focus, for instance, on the connection between having a good command of the Dutch language and successful integration into Dutch society, diploma accreditation, attention for the target group, removing legal obstacles and improving the supply of information.

90. Scores of initiatives have been taken by the education sector. These include customised transitional pathways, buddy programmes with students, online Dutch language courses, opening up lectures to people with residence permits, and informative sessions at asylum seekers' centres.

91. The administrative task force for refugees in higher education has charted the problems that students encounter in this area. Efforts are currently being made in partnership with the education sector to solve these problems. For instance, the procedures for diploma accreditation have been streamlined and EP-Nuffic has intensified the dissemination of information relating to these procedures.

92. The Ministry of OCW, in partnership with others including the secondary vocational education network and the task force for higher education, monitors schools, institutions, and municipalities to identify and solve problems at an early stage.

Article 15

Cultural rights

34. Please indicate to what extent 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.

93. All the schools in the Caribbean part of the Netherlands have space in their curriculum to respond to local needs and local culture. In most cases, this includes the language of instruction.

94. Both in primary and secondary education, attainment targets are formulated broadly, allowing scope for schools to make their own choices. Where necessary they are also adjusted to suit the local context. In primary education this applies not only to language lessons, but also to history and world studies. In secondary education, pupils take Spanish instead of German, for instance, and Papiamentu has also been added. In secondary vocational education, qualification files are used, which are attuned as much as possible to the needs of the local/regional labour market.

95. In primary education, classes may be taught in English and/or Dutch on St Eustatius and Saba, and in Papiamentu and/or Dutch on Bonaire. In secondary education, the language of instruction on St Eustatius and Saba is English.⁸ In secondary education on Bonaire, the language of instruction and examination is Dutch, although teachers may use the pupils' mother tongue in class to clarify the material. Secondary vocational education at levels 1 and 2 may be taught in English and/or Dutch on St Eustatius and Saba, and in Papiamentu and/or Dutch on Bonaire. Classes at levels 3 and 4 (which are only offered on Bonaire) are taught in Dutch.

⁸ Secondary education and secondary vocational education on St Eustatius are currently undergoing a transition from Dutch to English as the language of instruction. This transition includes the change to a new educational system that will be better attuned to the Caribbean context.

96. Aruba: The Education Department has been working for some years now on developing educational material with a view to building the Aruban context into the curriculum. This includes subject matter as well as material to be taught in Papiamentu, taking local needs and culture into account.

97. The introduction of the pilot project Scol Multilingual (Multilingual school) was a step towards promoting mother-tongue language teaching. This takes into account local needs for Dutch, English and Spanish to be offered in the curriculum. The education Minister strives to diversify education to meet the needs of the local population as far as possible. A language policy is being prepared to take into account the use of different languages of instruction at schools.

98. A variety of learning pathways is offered across the entire spectrum from kindergarten to higher education, corresponding to the needs of the local population.

99. Curaçao: Since Papiamentu is the language of communication for over 90% of the population, it makes educational sense to teach classes in this language at primary school. Approximately 6% of the population are Dutch speakers (excluding those who also speak another language): four Dutch-language primary schools should suffice to cater for these pupils. However, 6% of parents who speak both Dutch and Papiamentu, and an even higher percentage of those who speak Papiamentu, Chinese or Spanish, believe that their children would be better off at a school where classes are taught in Dutch.

100. A classroom instruction method has been developed for primary and secondary education. It has been developed for Papiamentu as the language of instruction, but school boards can choose whether classes should be taught in Papiamentu, Dutch or English.

101. One of the stated objectives pursued by education on Curaçao is “to inculcate respect for his or her own cultural identity, language and values, for the national values of the country in which the child is resident, the country where he or she was born,”.

102. Sint Maarten: According to our education laws the language of instruction in schools in Sint Maarten can be English or Dutch. There are schools with English and schools with Dutch as the language of instruction. The Ministry of ECYS has plans to work on a language policy in 2017.

Annexes

Annex I (in relation to para. 70 of the response)

Facts GMN, Eshuis 2008

- 1 out of 10 children aged 5-6 were overweight;
- 1 out of 6 children aged 10-11 were overweight;
- 1 out of 4 young people aged 15-16 were overweight;
- 1 out of 2 young people aged 18-24 were overweight.

103. 30% eat vegetables or fruit every day (Ministry of Health, Environment and Nature (GMN) / Institute of Public Health (VIC) (www.vic.cw)/Eshuis, 2008).

104. Facts from School-Based Human Health Survey (GSHS) Curaçao, 2015 National Report VIC (www.vic.cw).

Table: Percentage of students by reported weight

<i>Reported weight</i>	<i>Total (%)</i>	<i>Male (%)</i>	<i>Female (%)</i>
Very or slightly underweight	14.9	16.4	13.3
About the right weight	56.5	59.7	53.7
Slightly or very overweight	28.6	23.9	33.0

Table: Physical activity for a total of at least 60 minutes in the past seven days

<i>Number of days</i>	<i>Total (%)</i>	<i>Male (%)</i>	<i>Female (%)</i>
0 days	32.3	27.8	36.1
1-2 days	30.9	27.6	34.1
3 or more days	36.8	44.6	29.8
5 or more days	19.4	25.1	14.5
7 days	11.8	14.9	9.1

Annex II (in relation to para. 74 of the response)

Curaçao Institute of Public Health, www.vic.cw
(Version of February 2016)

Table: Live births to teenage mothers

	2008	2009	2010	2011	2012	2013	2014
Aged 10-14							
No. of live births	8	4	6	6	3	3	5
Per 1,000 girls	1.5	0.8	1.2	1.2	0.6	0.6	1.0
Percentage	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Aged 15-19							
No. of live births	192	192	180	193	198	181	162
Per 1,000 girls	34.8	34.5	32.3	34.7	36.1	33.7	30.5
Percentage	3.5	3.5	3.2	3.5	3.6	3.4	3.1

Source: Statistics Netherlands (CBS), fertility and population statistics (www.cbs.cw).