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Committee on Economic, Social and Cultural Rights

Seventh periodic report submitted by the Netherlands under articles 16 and 17 of the Covenant, due in 2022***

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* The present document is being issued without formal editing.
** The annex to the present report may be accessed from the web page of the Committee.



I. General introduction

1. The Kingdom of the Netherlands ratified the International Covenant on Economic, Social and Cultural Rights on 11 December 1978. The Covenant entered into force in all parts of the Kingdom on 11 March 1979.
2. The Committee on Economic, Social and Cultural Rights considered the combined fourth and fifth periodic reports of the Kingdom of the Netherlands at its 43rd, 44th and 45th meetings, held on 10 and 11 November 2010. The concluding observations of the Committee are contained in document E/C.12/NDL/CO/4-5.
3. This sixth report by the Kingdom of the Netherlands was submitted in accordance with Articles 16 and 17 of the Covenant. The dialogue on the updates of previous reports and policy measures taken on the basis of recommendations given in the concluding observations of 2010 up to 2017 was held on 1 and 2 June 2017. The dialogue was also followed by written information by the Netherlands on the steps undertaken to implement the recommendations contained in paragraphs 8, 12 and 40(a) of the concluding observations by the Committee on Economic, Social and Cultural Rights on the sixth periodic report of the Netherlands, as requested in paragraph 60 of those observations, up to and including 2018. All information on the position and actions of the government to implement the Covenant and legislation can be found on the website in Dutch and in English.¹ There are English translations on the English website of all the documents on the Dutch website.

Constitutional structure of the Kingdom of the Netherlands

4. The Kingdom of the Netherlands consists of four countries of equal status: the Netherlands, Aruba, Curaçao and St Maarten. International treaty obligations are binding on the Kingdom as a whole and the Kingdom can be held accountable under public international law. The countries each have a large degree of internal autonomy. Each is autonomous when it comes to the implementation of the Covenant. This report contains a general introduction, followed by four parts, each describing the situation in one of the four countries of the Kingdom.
5. The three islands of Bonaire, St Eustatius and Saba (jointly referred to as ‘the Netherlands in the Caribbean’ or ‘the Caribbean Netherlands’) are public bodies, roughly equivalent to municipalities in the Netherlands. Policy and legislation take their geographical location, size and unique island character into account.
6. The International Covenant on Economic, Social and Cultural Rights is in force in all parts of the Kingdom. Each country in the Kingdom has an individual responsibility to protect human rights in the country, and has its own institutions to monitor the situation.
7. The manner in which treaty obligations are implemented is a matter for the four equal constituent countries of the Kingdom. They are fully autonomous with respect to their internal affairs, including the manner in which they implement international commitments that are entered into by the Kingdom.
8. The latest communication on the sixth report addressed the recommendation in paragraph 60 of the concluding observations to provide, within 18 months, information on the implementation of the recommendations of the Committee in paragraphs 8, 12 and 40(a). The Netherlands responded to that request with the 2018 document,² but not all answers were considered sufficient at that time, according to the Committee’s follow-up letter (2019-20/CESCR/FU). The Committee considered that insufficient progress had been made with

¹ Link to Dutch website: <https://www.rijksoverheid.nl/onderwerpen/mensenrechten/mensenrechten-nederland>

Link to English website: <https://www.government.nl/topics/human-rights/human-rights-in-the-netherlands>

² Report: Written information by the Netherlands on the steps undertaken to respond to the request of the Committee on Economic, Social and Cultural Rights contained in paragraph 60 of the ‘Concluding observations on the sixth periodic report of the Netherlands’.

respect to Curaçao³ and access to food, water and housing (the ‘bed-bath-bread’ issue)⁴ and that there was insufficient information to make an assessment on two issues (monitoring mechanisms for the national action plan on business and human rights⁵ and statutory requirements for companies to ensure compliance with human rights obligations⁶).

II. The Netherlands

2.1 Introduction

Recommendation 6 on the domestic application of the Covenant

9. The Ministry of the Interior and Kingdom Relations has published a Guide on Economic, Social and Cultural Rights (*Handreiking economische, sociale en culturele grondrechten*)⁷ to ensure compliance with social and economic rights in policy and legislation. In February 2022, the Guide on Constitutional Review (*Handreiking constitutionele toetsing*)⁸ was also published. This guide refers to the Covenant specifically and to economic, social and cultural rights in general. The Ministry of the Interior and Kingdom Relations actively promotes the use of this guide, which has been submitted to parliament, in the development of legislation and policy.⁹

Recommendation 15 on ensuring the full enjoyment of economic, social and cultural rights by all persons under its jurisdiction

10. International law has direct effect in the Netherlands and pursuant to Article 94 of the Constitution, which reads: ‘Statutory regulations in force within the Kingdom shall not be applicable if such application is in conflict with provisions of treaties that are binding on all persons (...)’, the courts are empowered to set aside a provision of an Act of Parliament and to apply a provision of international law instead.

11. This power, however, is limited: the courts must first determine that a provision of international law is ‘binding on all persons’ and that the application of a statutory provision is considered to be in conflict with that provision of international law. In that case, the courts may challenge the legislation.

12. Economic, social and cultural rights generally have a programmatic character, which means that they require legislative and other implementing measures by the legislature or

³ See section on Curaçao.

⁴ With the introduction of a ministerial order of September 2019, a national network of immigration facilities (LVV), monitoring and an administrative agreement will ease the burden on municipalities with respect to the provision of food, sanitation and housing. (link: <https://zoek.officielebekendmakingen.nl/stcrt-2019-50232.html>)

⁵ The National Action Plan on Business and Human Rights, revised in 2020, provides for monitoring of the action points (<https://www.rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/nationaal-actieplan-bedrijfsleven-en-mensenrechten>) (in English: <https://www.government.nl/topics/responsible-business-conduct-rbc/national-action-plan-on-business-and-human-rights>) and a baseline assessment (<https://www.rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/documenten/rapporten/2020/08/31/nationale-baseline-assessment-bedrijfsleven-en-mensenrechten>).

⁶ The government wants to work on a legal requirement for responsible business conduct at EU level. The measures are set out here: <https://www.rijksoverheid.nl/onderwerpen/internationaal-maatschappelijk-verantwoord-ondernemen-imvo/bevorderen-internationaal-maatschappelijk-verantwoord-ondernemen>. (in EN: <https://www.government.nl/topics/responsible-business-conduct-rbc/government-promotion-of-responsible-business-conduct-rbc>)

⁷ Knowledge Centre for Policy and Legislation (Kenniscentrum voor Beleid en Regelgeving, KCBR), see link (in Dutch): this guidance is intended for policymakers and legislative drafters.

⁸ 6.2.1 Aansluiting op Grondwet en hoger recht | Kenniscentrum voor beleid en regelgeving (kcb.nl) (6.2.1 Compliance with Constitution and higher law | Knowledge Centre for Policy and Legislation (kcb.nl)).

⁹ See Detail 2022D09810 | House of Representatives of the States General (in Dutch).

executive branch. Therefore they are not considered to be ‘binding on every person’ in the sense that they are enforceable rights that can be applied as such by the courts in a particular case. Generally speaking, the implementation of these rights requires a political decision as to the means that are available, affordable and effective within the limits of budgetary and other competing national interests.

Recommendation 17 on ensuring realisation of the Covenant rights at the local level

13. The tasks that municipalities perform in the social domain are assigned to them in legislation. The Dutch Constitution provides a basis for this in Article 124. This also entails that municipalities are obliged to execute the tasks delegated to them by law. Under the Municipalities Act (*Gemeentewet*) the state is required to reimburse municipalities for the costs arising from these obligations. Under the Grants to Local Government Act (*Financiële-verhoudingswet*), the costs of new policies affecting local and regional authorities must therefore be identified in advance.

14. Municipalities enjoy a high degree of autonomy. By law there is no additional support from central government with regard to tasks delegated to them. In practice, however, they do receive support with the implementation of those tasks, often in collaboration with umbrella organisations at local or regional level, such as the Association of Netherlands Municipalities (*Vereniging van Nederlandse Gemeenten*, VNG).

15. In order to gain a clear picture of the consequences of new policies and new tasks for local authorities before they are incorporated into legislation, a feasibility test is carried out. This is a process by which the Minister of the Interior and Kingdom Relations, other ministers and local authorities work together to identify the intended and unintended consequences of a new policy in a timely manner and adopt appropriate arrangements. The test covers, among other things, the financing as well as the feasibility and administrative consequences of proposals.

Recommendation 8 on implementing the national action plan on human rights and adopting national action plans for all constituent parts of the Kingdom and promoting general awareness

16. As mentioned in its previous report, the Netherlands set up the Netherlands Institute for Human Rights (NIHR), which came into operation on 1 October 2012. The NIHR was accredited with A-status by GANHRI in 2014. This status was renewed at the end of 2020. The NIHR has developed several actions on economic, social and cultural rights with regard to, for example, housing rights for Roma and travellers, homelessness and the right to education for children with a disability. The NIHR issues non-binding findings on individual discrimination complaints, gives advice on legislation and policy at national and local level, informs parliament and the general public and cooperates with civil society organisations. The mandate of the NIHR also extends to the Caribbean part of the Netherlands, except with regard to the examination of individual complaints because antidiscrimination legislation is not applicable in the Caribbean part of the Netherlands. In 2019 the Ministry of the Interior and Kingdom Relations began exploring the possibility of extending the scope of this legislation to Bonaire, Saba and St Eustatius. This investigation was paused due to the COVID-19 pandemic, but will start again in 2022.

17. General information about fundamental and human rights (in Dutch) can be found at www.rijksoverheid.nl, at www.nederlandrechtsstaat.nl and at <https://www.government.nl/topics/human-rights>.

18. The Academy for Legislation and the Academy for Government Lawyers offer general modules on human rights for public servants. This represents an investment in the quality of primary legal advice and ensures that every policy directorate is able to identify basic human rights issues. The Ministry of the Interior and Kingdom Relations has published a Guide on Economic, Social and Cultural Rights (*Handreiking economische, sociale en*

culturele grondrechten)¹⁰ to ensure compliance with social and economic rights in policy and legislation. Recently a Guide on Constitutional Review (*Handreiking constitutionele toetsing*) was also published. The Guide specifically refers to the Covenant, and to economic, social and cultural rights in general. The Ministry of the Interior and Kingdom Relations actively promotes the use of this guide in the development of legislation and policy.

19. The 2020 National Action Plan on Human Rights was launched on 10 December 2019. The theme of the action plan – access to services – was chosen in consultation with a number of civil society partners, municipalities and the Netherlands Institute for Human Rights. The action plan sets out concrete actions for improving the quality of services for everyone. In addition, it provides a clear overview of the infrastructure of regulations, provisions and institutions in the Netherlands for incorporating human rights into law making and policymaking. It also contains an overview of the actors involved: national and local authorities and various civil society partners. In July 2021, parliament was informed about the progress that had been made on the action plan.

20. The interest attached to human rights policy at local level was accentuated in the second National Action Plan on Human Rights,¹¹ for instance with the announcement of the human rights platform for municipalities. This platform was launched in the autumn of 2021 by the Association of Netherlands Municipalities (VNG), the Netherlands Institute for Human Rights and the Minister of the Interior and Kingdom Relations. The platform is expected to become a forum where municipalities share knowledge and develop new initiatives, and thus promulgate the importance of human rights in many different ways. Municipalities and other local authorities make human rights information available for their employees and the public.

Recommendation 56 on the process of ratifying the Optional Protocol

21. The government has asked the Council of State, an independent advisory body to the government, a number of questions about the implications of possible ratification of the individual right of complaint pursuant to Article 11 of the Optional Protocol. The government will also include the evaluation of the functioning of the UN treaty committees in the decision-making process on possible ratification of the optional protocol.

Recommendation 57 on ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

22. The Kingdom of the Netherlands has not signed the International Convention on the Rights of Migrant Workers because it is opposed, in principle, to rights that could be derived from it by non-nationals without legal residence rights. The Kingdom of the Netherlands therefore cannot support this Convention.

Recommendation 58 (on ensuring the full enjoyment of the rights enshrined in the Covenant in the implementation of the 2030 Sustainable Development Agenda at the national level) and 59 (on developing and applying indicators on the implementation of economic, social and cultural rights)

23. The Netherlands has taken the SDG2030 agenda as a major point for orientation and action. A dedicated network NGO stepped in (<https://www.sdg-nederland.nl>) and made SDG accomplishment a ‘movement’. Combined with an extensive landscape of data and research, and an empowered population, a broad basis towards realization of the SDGs was set into motion. The national statistical office, Statistics Netherlands (CBS) provides reliable statistical information and data for policy insights. It produces yearly an overview ‘Status Report SDGs in the Netherlands (Latest: 2020)’. This work¹ includes all variables specified by the UN, part of that work is used in the Statistical Annex. In addition to that there is a

¹⁰ link: <https://www.kcbr.nl/beleid-en-regelgeving-ontwikkelen/integraal-afwegingskader-voor-beleid-en-regelgeving/6-wat-het-beste-instrument/62-rechtmaticheid/621-aansluiting-op-grondwet-en-hoger-recht>

¹¹ link: <https://www.rijksoverheid.nl/documenten/publicaties/2019/12/12/nationaal-actieplan-mensenrechten-2020> with link to English text. Link to first action plan: <https://zoek.officielebekendmakingen.nl/dossier/blg-271922.pdf>

regular monitoring and research on several of the ESC-related groups¹²: sometimes both in Dutch and in English. In the Annex to this publication, some figures on the issues at hand are presented.

24. The quantitative studies are often supplemented by research by the 'Netherlands Institute for Social Research'(SCP, the government agency for research into the social aspects of all areas of government policy). The overarching publication is 'The Social State of the Netherlands'¹² which every two years gives a ten year analysis on developments in the social domain. The SCP also produces studies focusing on views and issues in the social domains, including the aspects under economic, social and cultural rights.¹³

25. In addition to the SCP, there are many other organisations that provide the government with policy information to facilitate new and better legislation.

2.2 National human rights policy

Recommendation 12 on the national action plan on business and human rights

Recommendation 13 on state obligations under the International Covenant on Economic, Social and Cultural Rights in the context of business activities

26. Several actions were undertaken pursuant to recommendations 12 and 13. At the request of the Ministry of Foreign Affairs, the Netherlands Institute for Human Rights assessed the Netherlands' progress in implementing the UN Guiding Principles on Business and Human Rights. How has the National Action Plan on Human Rights influenced legislation and policy and what has been achieved in practical terms? The public and private sectors have developed numerous initiatives but the NIHR's research shows that there is room for further improvement. In the same year, the government published its response to the study.¹⁴

27. With reference to recommendation 10 (return of official development assistance (ODA) to 0.7% of GNP), in 2021 0.52% of GNP was spent for development assistance. The new government wishes to increase structural spending on development cooperation by €500 million. With this increase the ODA-percentage is expected to reach 0,65% in 2025.

28. The Kingdom of the Netherlands is of the opinion that the international conversation on official development assistance (ODA) should take place within the OECD Development Assistance Committee (DAC). The ODA percentage of 0.7% of GNP is a goal that was agreed on in 1970 by the OECD DAC, and that has been re-endorsed by countries in the DAC several since. The Netherlands has always supported this goal in the DAC.

29. The Kingdom of the Netherlands reports its ODA expenditures annually to the OECD DAC and to the Dutch parliament. The Dutch financial support for ODA human rights projects over the last several years has increased substantially.

¹² In English: <https://english.scp.nl/publications/publications/2019/09/10/summary-social-state-of-the-netherlands> In Dutch: <https://digitaal.scp.nl/ssn2020/assets/pdf/ssn2020.pdf>

¹³ f.i. * 'Armoede' (2019) on poverty (<https://digitaal.scp.nl/armoedeinkaart2019/>), * 'Burgerperspectieven' (2020/12/28); a chapter of perspectives of native and non-native citizens (www.scp.nl/binaries/scp/documenten/publicaties/2020/12/28/burgerperspectieven-2020-4/Burgerperspectieven%2B2020-4%2B-%2BWEB.pdf); * 'Ervaren discriminatie' on experience discrimination (<https://www.scp.nl/publicaties/publicaties/2020/04/02/ervaren-discriminatie-in-nederland-ii>) * 'Kansrijk' (2020) on integration policies for the labour market (<https://www.scp.nl/publicaties/publicaties/2020/10/15/kansrijk-integratiebeleid-op-de-arbeidsmarkt>).

¹⁴ link: <https://open.overheid.nl/repository/ronl-69038096-bd61-45e0-99c6-22e96d4ee180/1/pdf/kamerbrief-inzake-kabinetsreactie-op-het-national-baseline-assessment-nba-bedrijfsleven-mensenrechten.pdf>

2.3 Non-discrimination and equal treatment

30. In the Netherlands, equal treatment and the principle of non-discrimination are the foundations of democracy and the rule of law. Everyone has the right to be treated as an individual on the basis of their own choices, talents and responsibilities.

Recommendation 19 on discrimination against minority groups

31. Under article 1 of the Dutch Constitution, discrimination on the grounds of religion, belief, political opinion, race, sex or on any other grounds whatsoever is not permitted. Furthermore, discrimination is prohibited in the fields of employment, the provision of goods and services, housing, education and healthcare on the grounds of sex, race, religion or belief, political opinion, sexual orientation, nationality, marital status, age and disability. Racial discrimination in relation to social welfare and benefits is prohibited. Discrimination in the provision of social welfare on other all grounds is also prohibited pursuant to article 1 of the Constitution: the general principle of non-discrimination laid down in this provision governs all government actions at national and local level. Under the Constitution and antidiscrimination legislation, discrimination is prohibited across all areas of society.

32. Measures to curb discrimination are high on the Dutch political agenda. The government takes a broad approach to discrimination and racism that covers multiple discrimination grounds and domains. It provides a comprehensive framework that connects a range of antidiscrimination measures taken by the different ministries in cooperation with local government and other stakeholders. The government reports on this government-wide approach each year in a letter to the House of Representatives.¹⁵

33. The Netherlands has an extensive infrastructure which gives victims of discrimination several bodies to turn to for effective legal protection. Since 2010 municipal authorities are obliged to provide their residents with accessible antidiscrimination services where they can report complaints and seek advice and assistance (legal or otherwise). It is also possible for a victim of discrimination to ask the Netherlands Institute for Human Rights, free of charge, to issue findings on a matter involving discrimination. Discrimination offences may furthermore be reported to the police, or redress can be sought in civil or administrative courts. Any member of the public who believes they have been improperly treated by the authorities can also turn to the National Ombudsman.

34. Since the previous report, the approach to discrimination and racism has been given new impetus. The new coalition agreement also emphasises the importance of combating discrimination and racism, including institutional racism. Recently, a National Antidiscrimination and Antiracism Coordinator was appointed to oversee a national action programme to combat discrimination and racism. Via interministerial cooperation a broad and systemic approach covering multiple discrimination grounds and domains is being developed to combat discrimination and racism. This approach will be incorporated into the new national action programme. In addition, a national commission will be set up to study and investigate discrimination and ethnic profiling.

Recommendation 23 on achieving gender equality

35. It is a fact that in the Netherlands more women than men work part-time. However, the average number of hours worked by women has increased somewhat. In 2014 women worked just under 27 hours a week on average and in 2019 this figure had risen to 28.5 hours. The percentage of women in employment is relatively high in the Netherlands. In 2019 the Netherlands ranked seventh in the EU. The high rate of employment among women can be seen as the upside of the high rate of part-time work.

36. It is difficult to demonstrate precisely how much impact government policy has on women's participation in the labour market. The government worked to improve the position of women in the labour market by expanding childbirth leave and parental leave for partners

¹⁵ 24/6/2021 [Voortgang aanpak discriminatie en racisme - Tweede Kamer](#)

and making extra investments in childcare benefit. The government is continuing in the same vein with plans to increase childcare benefit.

37. In the previous term of government, the family leave system was expanded to include childbirth leave for partners and paid parental leave (see recommendation 36). We need a cultural change in the way we think about how work and care tasks are divided between men and women. To that end, the implementation of the new schemes is being accompanied by a broad awareness campaign urging expectant parents to discuss in advance how they intend to divide up work and care tasks. It is important that parents make choices that are not just short-term solutions but also take account of long-term needs and provide scope for women to work and be economically independent and for men to consistently participate in care and household tasks.

38. Furthermore, the government wants to combat pregnancy discrimination and improve monitoring of pay disparities. Finally, the government is encouraging proportionate representation of women in managerial positions.

39. On 1 January 2022, a new act entered into force introducing a statutory diversity quota of at least 33% women and at least 33% men on supervisory boards of listed companies. Listed companies that have not yet achieved this 33% quota may appoint only a person of the under-represented gender in the event of a vacancy. A new appointment that does not contribute to a more balanced ratio of women to men will be void. In addition, an obligation has been introduced requiring large companies to set ‘ambitious’ targets to achieve a more balanced ratio of women to men on their boards of directors and supervisory boards and in senior management. Large companies are obliged to draw up a plan for achieving these targets. Each year, these companies must report on the state of affairs and progress made on a comply or explain basis. The Netherlands also supports the EU directive ‘Women on Boards’.

40. On 11 January 2021, the Vinkenburg advisory committee published its advisory report on policy aimed at increasing the share of women in senior positions in the semi-public and public sector (including in mayorships). The Government issued a response to the advisory report in 2022.^{16,17} Currently half of the members of the Government are women.

41. The 2018 gender pay gap monitor published by CBS (*Monitor loonverschillen mannen en vrouwen, 2018*) shows that the uncorrected pay gap between men and women was 19% in the private sector and 8% in the public sector. The corrected pay gap is 7% in the private sector and 4% in the public sector. The pay gap between men and women in the Netherlands is decreasing but this is happening slowly. In order to further reduce the pay gap it is important to strengthen the position of women in the labour market. During the previous government’s term, a range of measures were taken to enable women to work more hours, such as the expansion of childbirth leave for partners, investments in childcare, reduction of taxes on labour, the Flexible Working Arrangements Act (*Wet flexibel werken*), awareness campaigns and preparations for the introduction of paid parental on 2 August 2022. Furthermore, tackling unequal pay for equal work is part of the Action Plan on Labour Market Discrimination. In 2020, the Labour Foundation (the national consultative body of the central organisations of employers and employees) published a digital guide to equal pay for men and women, in which it provides background information and guidance targeted at various groups within the business community. Until the end of 2019, the Dutch government helped fund an initiative by WOMEN Inc. to raise awareness about the wage gap among women and employers. In 2021 a new grant was awarded to WOMEN Inc. to fund their work on equal pay. In the coming years, WOMEN Inc. will carry out various equal-pay activities aimed at raising awareness among employers and providing useful guidance on implementing equal pay. Furthermore, the Government decided to raise the minimum wage extra. Raising the

¹⁶ <https://www.cbs.nl/nl-nl/corporate/2020/50/emanipatiemonitor-economische-positie-van-vrouwen-verbeterd>: [Letter to parliament accompanying the advisory report on gender diversity in junior and senior management positions in the semi-public and public sectors](#)

¹⁷ <https://www.europarl.europa.eu/news/nl/press-room/20220603IPR32195/women-on-boards-deal-to-boost-gender-balance-in-companies>

minimum wage benefits women relatively more as they work more in lower paid and flex jobs.¹⁸

42. With regard to the proposal for an EU directive on pay transparency, the Netherlands took a positive position in negotiations and was in favour of the general approach reached by the Council on 6 December 2021. As a topic equality is also covered in the UN CEDAW report and there is quantitative information in the annex.

Recommendation 24 on the equal right of men and women to the enjoyment of all economic, social and cultural rights

43. With reference to recommendation 36 on parental leave, as of July 2020 partners are entitled to six weeks of childbirth leave. The employer pays the employee's full salary for the first week. For the five following weeks, the employee receives a benefit equal to 70% of their pay. As of 2 August 2022, parents will be entitled to nine weeks' paid parental leave (at 70% of their pay). This new instrument will further encourage men and women to take leave and choose a more equal allocation of work and care.

2.4 Employment, working conditions, labour relations and social security

Recommendation 26 on addressing unemployment among ethnic minorities

44. The Netherlands recognises that ethnic minorities, in particular women with a Turkish or Moroccan background, are disadvantaged on the labour market. A new instrument has been developed to monitor progress on efforts to ensure equal opportunities and positions on the labour market for all, regardless of migration background.¹⁹

45. Over the past several years, the Ministry of Social Affairs and Employment has worked with employers, public authorities, trade associations, educational institutions and civil society partners within the programme Further Integration on the Labour Market (*Verdere Integratie op de Arbeidsmarkt*, VIA) to determine what works when it comes to improving opportunities for and the position of ethnic minorities on the labour market and has drawn lessons from this for reducing disadvantages effectively. The Work and Integration Task Force was established in 2016.²⁰

46. The task force was founded to work on the public tasks of improving equal employment opportunities. In December 2021, the task force launched the VIA Work Agenda.²¹ The VIA Work Agenda sets out agreements on actions to be taken over the next four years to improve the prospects and position of ethnic minorities in the labour market. The VIA Work Agenda focuses on people with a migration background who encounter disadvantages and challenges, including women with a Turkish or Moroccan background.

47. There are also specific actions within and outside the VIA Work Agenda aimed at addressing the position of women with a migration background. For example the Platform for Inclusion and Community (Kennisplatform Inclusief Samenleven) offers an e-learning

¹⁸ StatLine - *Werkgelegenheid en minimumloon; kenmerken werknemer, SBI2008* (cbs.nl) en <https://www.rijksoverheid.nl/actueel/nieuws/2022/06/17/minimumloon-voor-het-eerst-extra-verhoogd>

¹⁹ 17/11/2021 [Monitor van gelijke kansen en evenredige posities op de arbeidsmarkt](#)

²⁰ Members: Ministry of Social Affairs and Employment, Ministry of Education, Culture and Science, Federation of Private Employment Agencies (ABU), Dutch Federation of Employers (AWN), Youth division of the National Federation of Christian Trade Unions CNV, Divosa (association for managers in the social services sector), Trade Union Confederation FNV, G4 urban network, G40 urban network, Secondary Vocational Education Council (MBO Raad), Dutch Association of Placement and Temporary Employment Agencies (NBBU), Randstad Netherlands, SAM (association for professionals in the social services sector), Education-Business Alliance (SBB), Social and Economic Council, Foundation for Refugee Students UAF, Employee Insurance Agency (UWV), Association of Universities of Applied Sciences (VH), Association of Netherlands Municipalities (VNG), Confederation of Netherlands Industry and Employers (VNO-NCW), the Royal Association MKB-Nederland, Dutch Council for Refugees.

²¹ VIA Work Agenda: <https://open.overheid.nl/repository/ronl-048a05ef-a142-4c0a-92f8-eeb8bcf2a02a/1/pdf/Werkagenda%20Verdere%20Integratie%20op%20de%20Arbeidsmarkt.pdf>

module²² to help client managers provide more effective guidance to women with a migration background. Municipalities, too, are studying programmes and activities within the framework of the professional development programme (*Vakkundig aan het Werk*) and the National Science Agenda. The aforementioned equal opportunities monitor will provide valuable information about the development of opportunities and positions so that policy and activities can be adjusted as needed. Furthermore, the Government introduced the Closer Than You Think Programme in order to encourage employers to take people on board who are currently on the sidelines to find (part-time) work or an apprenticeship.²³

Recommendation 28 on persons with disabilities

48. The government is committed to making the labour market more inclusive. The aim of the Jobs and Jobs Quota (Work-Disabled Persons) Act (*Wet banenafpraak en quotum arbeidsbeperkten*)²⁴ is to ensure that more jobs become available for people who have a vulnerable position in the labour market. This Act applies to people who have a work-limiting disability and therefore fall under the Work and Employment Support (Young Disabled Persons) Act (*Wajong*) and the Sheltered Employment Act (*Wet sociale werkvoorziening*), as well as people covered by the Participation Act (*Participatiewet*), who cannot earn the statutory minimum wage. The most recent measurement (2020) shows that relative to the baseline measurement in 2013, 66,097 additional jobs have been created for the target group of the Jobs and Jobs Quota Act. The agreed number for 2020 of 67,500 additional jobs was therefore not met. This is the first time since the introduction of the jobs quota that the target has not been achieved. The figures for the Jobs and Jobs Quota Act can be found on the dedicated dashboard (in Dutch) managed by the Employee Insurance Agency (UWV).²⁵ The 2021 figures will be published in July 2022.²⁶ In 2020 the Netherlands Institute for Social Research (Sociaal Cultureel Planbureau, SCP) demonstrated that helping people with a work-limiting disability find a job has significant benefits for society.²⁷

49. Prioritising a specific group requires very careful consideration. The approach taken for the Jobs and Jobs Quota Act target group was developed in consultation with social partners. The act does not provide extra opportunities for people with a work-limiting disability who are not part of the target group. However, other instruments are available to assist them. For instance, municipalities can direct them to the standard support and services. For people who fall under the work resumption scheme for persons partially capable of work (*Werkhervattingsuitkering gedeeltelijk arbeidsgeschikten*, WGA) and the Work and Income (Capacity for Work) Act (*Wet werk en inkomen naar arbeidsvermogen*, WIA), support and services are provided by the Employee Insurance Agency (UWV). Sheltered employment places are available for people who can only work in a protected environment where they receive a high level of support. Developments in the labour-market participation of people who are not in the Jobs and Jobs Quota Act target group and of people with disabilities are monitored using various instruments: the Participation Act evaluation, the UWV Employment Participation Monitor for people with a work-limiting disability²⁸ and the UN Convention on the Rights of Persons with Disabilities progress report. The figures for the programme *Onbeperkt meedoen* ('Unlimited participation') show that in 2020 42.6% of people with an occupational limitation had a paid job and 71.3% of people with an

²² Including [Nieuwe e-learning: vrouwelijke nieuwkomers begeleiden op weg naar werk](#) (New e-learning module: helping women newcomers find work)

²³ <https://www.rijksoverheid.nl/documenten/kamerstukken/2022/04/13/kamerbrief-actieplan-dichterbij-dan-je-denkt-korte-termijn-aanpak-krapte>

²⁴ <https://wetten.overheid.nl/BWBR0036551/2015-05-01>

²⁵ [Dashboard Banenafpraak \(werk.nl\)](#) (Jobs and Jobs Quota Act dashboard)

²⁶ 2020 figures in letter to the House of Representatives 7/8/2021: <https://www.rijksoverheid.nl/actueel/nieuws/2021/07/08/aantal-banen-banenafpraak-net-niet-gehaald-tijdens-coronajaar>

²⁷ <https://www.scp.nl/publicaties/publicaties/2020/03/20/de-brede-waarde-van-werk>

²⁸ <https://www.uwv.nl/overuwv/kennis-cijfers-en-onderzoek/kennis-onderzoeken/uwv-monitor-arbeidsparticipatie-arbeidsbeperkten-2020.aspx>

occupational limitation who could work had a paid job.²⁹ These figures are based on statistics published by Statistics Netherlands (CBS).³⁰

50. A large majority (approx. 60%) of the people who fall under both the Participation Act and the Jobs and Jobs Quota Act have temporary employment contracts.³¹ However, many are eventually given a permanent contract. The figures show that between 23% and 33% of workers with a temporary contract have a permanent contract two years later. Movement from temporary to permanent contracts has increased in recent years. These statistics are not broken down by sex, age and level of education but the UWV Employment Participation Monitor provides a general overview of employment among people covered by both the Participation Act and the Jobs and Jobs Quota Act. Prompted in part by these figures, the previous government introduced policy aimed at reducing the gap between permanent and flexible/temporary contracts (and self-employed people without employees) (Nov. 2020).³² The current government is continuing in the same vein.

Recommendation 30 on the protection of all workers in the labour market, including domestic workers and migrant workers

51. First, it is important to note that labour inspectors are responsible for carrying out checks under legislation concerning illegal employment (Foreign Nationals (Employment) Act), minimum wage (Minimum Wage and Minimum Holiday Allowance Act) and working hours (Working Hours Act). The Netherlands' Labour Authority is also responsible for detecting fraud, exploitation and organised crime within the work and income system (labour exploitation, human trafficking and large-scale social security fraud). However they are not responsible for enforcing the law with regard to unlawful residence in the Netherlands.

52. The policy and activities of the Labour Authority are aimed at encouraging the recognition and reporting of (potential) labour exploitation. Workers can lodge anonymous reports with the Labour Authority. The Netherlands is also working to improve assistance and care for people who have suffered serious harm in order to encourage them to lodge reports with the Labour Authority and cooperate with investigations. The Netherlands is looking to revise article 273f of the Criminal Code in order to better tackle perpetrators of human trafficking and better protect victims of labour exploitation. Other forms of assistance and care include ensuring that there are adequate numbers of places in emergency shelters to provide immediate relief. In fact, the Government organised several means and measures to combat labour exploitation, f.i. introducing certification for the intermediary organisations that bring work migrants into the country.³³

53. The Home Help Services Regulations (*Regeling Dienstverlening aan Huis*)³⁴ lay down exceptions to standard provisions of labour law and employee insurance for domestic workers who work for a private employer in the household less than four days a week. These workers are not required to be insured under the national employee insurance schemes, so they are not entitled to benefits under the Work and Income (Capacity for Work) Act (WIA) or the Unemployment Insurance Act (WW). However, they can voluntarily participate in these schemes. If the Home Help Services Regulations were revised such that domestic workers were subject to employee insurances, salaries tax and other provisions of labour law that apply to regular employees, the administrative and financial obligations for private households would be too demanding. As a result, domestic work would likely shift to the

²⁹ <https://www.rivm.nl/documenten/cijferoverzicht-onbeperkt-meedoen>

³⁰ <https://www.cbs.nl/nl-nl/maatwerk/2021/39/arbeidsparticipatie-en-afstand-tot-de-arbeidsmarkt-2020>
By way of comparison: 75.1% of men and 67.2% of women are in employment (Q4 2021, both 2.7% higher than in Q4 2020).

³¹ See: 2020 UWV Employment Participation Monitor for people with a work-limiting disability, Chapter 7

³² Policy response to reports by the Advisory Committee on Employment Regulation and the Scientific Council for Government Policy (WRR)
<https://www.rijksoverheid.nl/documenten/kamerstukken/2020/11/11/kabinetsreactie-op-commissie-regulering-van-werk-en-wrr-rapport-het-beter-werk>

³³ <https://www.rijksoverheid.nl/onderwerpen/buitenlandse-werknemers/verbeteren-positie-arbeidsmigranten> (amongst others: certification)

³⁴ <https://www.rijksoverheid.nl/documenten/regelingen/2015/09/30/regeling-dienstverlening-aan-huis>

informal economy, which would undermine the legal position of domestic workers. New financial and administrative obligations for employers would also increase costs, as a result of which current employers would cease to outsource this type of work. This substitution effect would reduce the demand for this type of work and, consequently, for domestic workers. Therefore in the coalition agreement that was presented in December 2021, no position was taken to revise the Home Help Services Regulations.

Recommendation 32 on reviewing the entitlement conditions for social security.

54. In its coalition agreement for the 2021-2025 term, the Dutch government agreed to amend the rules on shared living costs³⁵ so that members of a household who are under the age of 27 no longer count as ‘cost sharers’ for the purpose of calculating social assistance benefit and to relax the limits on additional earnings in the Participation Act. Municipalities have scope for implementing tailored solutions with respect to, for example, the rules on shared living costs, the standard amount of social assistance benefit for young adults aged 18-20 and the requirement for young adults to spend four weeks searching for employment or a course of education before they are eligible for social assistance benefit. In addition, municipalities have the power and responsibility to make special assistance (crisis payments) available to people who receive social assistance benefit.

2.5 Protection and assistance for families

55. With reference to recommendation 34 (domestic violence and child abuse) and supplementing the domestic and sexual violence monitor, the government introduced a campaign called ‘Het houdt niet op, totdat je iets doet’ (It won’t stop until you do something) in 2020. The campaign calls on people to take action if they suspect or are affected by domestic violence or child abuse. During the COVID-19 pandemic, the campaign was modified to focus on the higher risk due to the coronavirus measures. In addition, guidance was published to help people deal with rising tensions in the domestic sphere due to the coronavirus measures.³⁶

56. From July to September 2021, the government ran a social media campaign (*Zorgen over huiselijk geweld en kindermishandeling*;³⁷ ‘Concerns about domestic violence and child abuse’) to draw attention to the services and assistance available.

57. The ‘Safe at Home’ national network (Landelijk Netwerk Veilig Thuis), the Child Helpline (Kindertelefoon) and the programme *Geweld hoort nergens thuis* (‘Violence has no place in the home’) worked together to develop an online prevention campaign centred on the ‘time-out’ concept, which ran from 18 October to 14 November 2021).³⁸ The shelters for victims of domestic violence had made preparations to meet increased demand, but the situation did not result in an increase in requests for placement. Additional measures were taken for victims for whom the existing assistance channels were unsuitable.³⁹ The government provided extra funds to finance these actions. The Government also appointed a government commissioner of sexual transgressive behaviour and sexual violence as of April 5th, 2022.⁴⁰

³⁵ [Wat is de kostendelersnorm in de bijstand? | Rijksoverheid.nl](#) Under the *rules on shared living costs* the amount of social assistance benefit you are eligible for depends on the number of people living in your household. The more *adults* living in your home, the lower your benefit.

³⁶ [Start landelijke campagne tegen huiselijk geweld in coronacrisis | Nieuwsbericht | Rijksoverheid.nl](#) (News item in Dutch on government website: National campaign against domestic violence during the coronavirus crisis)

³⁷ [Social media campagne Huiselijk geweld en kindermishandeling van start | Nieuwsbericht | Huiselijk Geweld](#) (News item in Dutch on domestic violence information website: Government launches social media campaign on domestic violence and child abuse)

³⁸ [Preventiecampagne 'Time-out' gaat vandaag van start | VNG](#) (Article in Dutch announcing the launch of the ‘Time-out’ prevention campaign)

³⁹ See the annex for an overview of the additional measures.

⁴⁰ <https://www.rijksoverheid.nl/actueel/nieuws/2022/04/05/mariette-hamer-start-vandaag-als-regeringscommissaris-seksueel-grensoverschrijdend-gedrag-en-seksueel-geweld>

Recommendation 40 on ensuring the minimum essential levels of each of the rights in the Covenant, including the rights to food, housing, health, water and sanitation

58. First of all, it is important to note that if a migrant is willing to return to their country of origin, this is almost always possible. In the few instances when return is not possible, despite the migrant's efforts and willingness, they are eligible for a residence permit in the Netherlands on the basis of the special 'no-fault policy' (*buitenschuldbeleid*). It is a basic principle of Dutch immigration policy that migrants without legal residency in the Netherlands do not have a right to services such as shelter. The reasoning behind this is that the government does not wish to assist irregularly staying migrants in continuing their irregular stay in the Netherlands without working towards a solution. In addition, denying services avoids creating the appearance that irregularly staying migrants have acquired legal residence.

59. There are some exceptions to this rule. For instance, families with children under the age of 18 receive shelter at a family facility (*gezinslocatie*) where they can reside until they are able to return to their country of origin or until the children reach the age of 18. At these locations they have access to food, water and sanitation. Unaccompanied minors without legal residence receive shelter in small-scale reception facilities run by the Central Agency for the Reception of Asylum Seekers (COA) where they have access to food, water and sanitation as well as guidance. Both unaccompanied minors and children in families have access to education regardless of their residence status.

60. Migrants without legal residence who have a concrete prospect of returning to their country of origin within 12 weeks may be eligible for shelter in a restrictive accommodation (*vrijheidsbeperkende locatie*). Additionally a pilot involving the National Immigration Facilities (*Landelijke Vreemdelingenvoorziening*, LVV) is currently ongoing. At these locations migrants without legal residence or the right to reception can obtain shelter and guidance if they cooperate in efforts to achieve a durable solution to their situation, such as return to their country of origin, migration to another country or, if possible, legal residence. These pilots are being run by central government, municipalities and local NGOs.

61. The government's aim is to turn the National Immigration Facilities pilots into a nationwide network, thus eliminating the need for independent reception centres. The precise execution of this ambition is still in the planning stages and, currently there are still independent reception centers by municipalities in which basic services are provided.

Recommendation 41 on non-discrimination in economic, social and cultural rights

62. As mentioned in regard to recommendation 40, it is a basic principle of Dutch immigration policy that migrants without legal residency in the Netherlands are not entitled to services such as shelter. This is codified in section 10 of the Aliens Act.⁴¹ The reasoning behind this is that the government does not wish to assist irregularly staying migrants in continuing their irregular stay in the Netherlands without working towards a solution. In addition, denying services avoids creating the appearance that irregularly staying migrants have acquired legal residence. It must be noted that whenever a migrant applies for asylum their application will be processed carefully and on an individual basis. If the application is denied and this decision is upheld in court, then the migrant will be subject to a return order. Migrants subject to a return order have a right to shelter for a period of 28 days after the order is imposed.

Recommendation 38 on combating poverty

63. The countries of Aruba, Curaçao and St Maarten each have an independent responsibility to combat poverty and develop policy in this area. This includes ensuring policy is developed on the basis of adequate data. See the reports by Aruba, Curaçao and St Maarten below.

64. Since 2021 the Netherlands and the autonomous countries of Aruba, Curaçao and St Maarten have been working together within the framework of individual reform packages

⁴¹ <https://wetten.overheid.nl/BWBR0011823/2022-01-01>

(*Landspakketten*). One of the themes of these partnerships is improving the activation function within the social security system, to encourage unemployed people to actively look for work, while also ensuring that there is an adequate social safety net. This falls under Theme E - Economic reforms. The Ministry of Social Affairs and Employment advises the countries on the development of this theme. The countries themselves and the Ministry of the Interior and Kingdom Relations are responsible for progress on this theme.

65. With regard to the concerns about the increase in the number of people living in poverty for a period of four years or longer: this figure fell in 2020 after rising for several years. The relevant figures are available online.⁴²

2.6 Healthcare

Recommendation 43 on homelessness and the right to adequate housing

66. In response to the latest figures published by Statistics Netherlands (CBS) on the number of homeless people in the Netherlands (39,000 in 2018⁴³), the Dutch government introduced additional measures to reduce these numbers. The Council for Public Health and Society (RVS) investigated the root causes of homelessness in the Netherlands.⁴⁴ In 2020, this resulted in the national plan *Een (t)huis, een toekomst*,⁴⁵ ('A House, A Home, A Future') launched by central government. The government topped up the existing budget for shelters in the community by providing an additional €200 million intended for preventing homelessness, renovating shelters and increasing assisted housing capacity. The results of these efforts are tracked in a monitor,^{46,47} with municipalities providing figures on the number of homeless people, shelter capacity and various qualitative indicators, such as the conversion of dormitories in shelters into rooms for one or two people. The Ministry of the Interior and Kingdom Relations has also made funding available to house vulnerable groups, including the homeless.

67. During the COVID-19 pandemic, extra measures were taken to provide safe shelter for homeless people. Institutional shelters were adapted to enable compliance with the 1.5-metre distancing rule and made as accessible as possible. As a result, municipalities were able to accommodate hundreds of additional people during lockdowns.⁴⁸ After the last lockdown was lifted, many municipalities decided to continue organising shelter accommodation on a smaller scale.

68. According to the CBS, the number of homeless people decreased from 39,300 in 2018 to 32,000 in 2021,⁴⁹ indicating that the Dutch government's strategy is working. The urgency of tackling homelessness was also included in the new government's coalition agreement. In addition to local measures to prevent homelessness and shelter and house homeless people (€385 million annually), €65 million will be made available annually for national efforts to solve homelessness in a sustainable way.

⁴² <https://opendata.cbs.nl/#/CBS/nl/dataset/83841NED/table?dl=63425>

⁴³ <https://www.cbs.nl/nl-nl/cijfers/detail/84990NED?dl=4FC10>.

⁴⁴ Nov. 2021 [Aandeel jongere daklozen in 5 jaar tijd gehalveerd](#) (Number of homeless young people halved in five years)

⁴⁵ June 2020: [Kamerbrief over Een \(t\)huis, een toekomst, De aanpak van dak-en thuisloosheid](#) (Letter to parliament on the approach to reducing homelessness)

⁴⁶ [Rapportage – Monitor dak-en thuisloosheid - Tweede Kamer](#) (Report - Homelessness Monitor - House of Representatives)

⁴⁷ Nov. 2021 [Aandeel jongere daklozen in 5 jaar tijd gehalveerd](#) (Percentage of homeless young people halved in five years)

⁴⁸ For instance, the city of The Hague:

https://denhaag.raadsinformatie.nl/modules/4/schriftelijke_vragen/582604?parent_event=724873

⁴⁹ <https://www.cbs.nl/nl-nl/nieuws/2021/44/aandeel-jongere-daklozen-in-5-jaar-tijd-gehalveerd>.

Recommendation 47 on funding interpreter services in healthcare facilities and ensuring that all persons in the territory enjoy access to health services without discrimination

69. At the end of 2021, the House of Representatives passed a motion calling on the government to investigate the possibilities for funding interpreter services in healthcare.⁵⁰ This investigation should also evaluate the advantages, disadvantages and practicality of various scenarios. The Ministry of Health, Welfare and Sport will start an exploratory study to identify the bottlenecks currently faced in providing interpreter services in healthcare settings. After this, the various scenarios for structural funding will be examined, so that political decisions can be taken on funding in this area. In addition, the development of a publicly funded quality standard with regard to language barriers in care and the social domain is in progress.

Recommendation 49 on reviewing the practice of early surgery and medical interventions on intersex children

70. In July of 2019, the Netherlands provided financing for the establishment of a multi-disciplinary quality standard in order to facilitate care for persons with Differences/Disorders of Sex Development (DSD).⁵¹ The Minister of Health, Welfare and Sport has no medical responsibility for individual care and treatments. Healthcare professionals are responsible for determining whether intervention is necessary. In a broader sense, relevant medical professional groups (scientific associations) have set guidelines for the content of the care provided together with patient associations. Their assessments are made on the basis of practical experience and expertise.

71. The Netherlands finds it essential that the patient's perspective is included and considered when guidelines are drawn up for the quality of care. The goal should always be that patients and parents of children with DSD are supported to the fullest extent possible in the decisions made regarding care.

72. There are several DSD centres of expertise in the Netherlands to which people can turn for diagnosis, specialised medical care and guidance. Patients can always turn to the Healthcare and Youth Inspectorate (IGJ) of the Netherlands for complaints regarding the quality of care.

III. Curaçao

3.1 Introduction

73. Like the rest of the world, Curaçao was severely impacted by the COVID-19 pandemic, both economically and socially. This part of the report was prepared through interministerial consultation, coordinated by the Directorate of Foreign Relations in Curaçao. The following organisations provided significant input for this report: the Ministry of Health, Environment and Nature, the Ministry of Justice, the Ministry of General Affairs, the Ministry of Social Development, Labour and Welfare and the Public Prosecutor's Office.

Reply to follow up on Recommendation 8 on a National Human Rights Action Plan

74. At present Curaçao does not have a National Human Rights Action Plan but is currently working on formalising Curaçao's own Human Rights Institute. Furthermore, an updated version of the Human Trafficking Action Plan is being finalised for 2022.

⁵⁰ <https://www.rijksoverheid.nl/documenten/kamerstukken/2021/03/09/beantwoording-kamervragen-over-het-antwoord-op-eerdere-schriftelijke-vragen-en-de-uitzending-van-argos-spraakverwarring-in-de-sprekkamer>

⁵¹ <https://www.erasmusmc.nl/nl-nl/sophia/patientenzorg/centra/dsd-centrum>

75. The government of Curaçao launched an awareness campaign on human trafficking in persons, on the internet, television and radio (<https://www.humantraffickingpreventioncuracao.com/>).

76. Human trafficking is a punishable offence under Curaçao's Criminal Code. The immigration service pays special attention to children passing through the airport accompanied by adults. The Guardianship Protocol, which applies to the Kingdom, provides that strict conditions must be met when a child leaves the country. In recent years no incidents of human trafficking of children have been registered.

77. Since 2013 the police, border control authorities and NGOs concerned with human trafficking have been given training on recognising the signs of human trafficking.

78. Victims of trafficking who wish to cooperate with a criminal investigation may be eligible for temporary stay. Victims who do not wish to cooperate with the criminal investigation have the option of submitting an application under Article 3 of the Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). In order to obtain a temporary residence permit, the person must have medical insurance. This is paid for by the Ministry of Social Development, Labour and Welfare.

79. Further training of detention centre staff will be needed in the coming year(s) and for that reason a request for assistance will be submitted to the US. A reflection period has been included in the Standard Operating Procedure approved by the Council of Ministers for the Kingdom in 2021.

80. An interministerial and interdisciplinary app group was established in July 2021 through which all stakeholders (Ministry of General Affairs, Ministry of Social Development, Labour and Welfare, Ministry of Justice, Ministry of Economic Development, Coastguard, Public Prosecutor's Office, Police, Victim Assistance Foundation, Immigration and Interpol) that deal with trafficking victims and anyone involved in anti-trafficking activities can share information in order to enact better policies that are based on what is happening in the field.

81. The Ministry of Justice has actively started engaging the LAC diplomatic community since January 2021 by voicing its views, stating the problems, asking for best practices and information to be shared, and calling for (further) training on human trafficking and the problems it causes. These efforts will continue throughout 2022.

82. Investigations are carried out with regard to unaccompanied children and these children are placed with family members with a verified address. The Guardianship Council is also included in this process. A notification obligation and the necessary guarantees are put in place. Curaçao has no general asylum procedure. In its place there is a general protection policy based on Article 3 of the ECHR. Unaccompanied children come under authority of the government.

83. Foreign prisoners have the same rights as local prisoners. Within the Curaçao Centre for Correction and Detention (SDKK) there is a complaints procedure which they can also use. The Supervisory Committee is accessible to all prisoners. Within SDKK, no distinction is made according to country of origin. All detainees are offered the same options and day programmes.

Recommendations 33 and 34 (a), (b), (c) on domestic violence and child abuse

84. The government of Curaçao, recognising the severity of the problems of domestic violence and child abuse, has continued to step up its efforts to strengthen its approach to tackling domestic violence, gender-based violence and child abuse.

85. In 2018 the government formalised an Interministerial Working Group to coordinate the implementation of the National Plan against Violence at governmental level and established a Permanent Committee to supervise the implementation of the National Plan against Domestic Violence and Child Abuse.

86. This National Plan against Violence is aimed at ensuring that the population receives sufficient information and appropriate protection, while ensuring full compliance with

relevant treaties and legislation in part by increasing or improving prevention, identifying and preventing violence, improving aid delivery and providing adequate aftercare.

87. A research project to determine what is needed to set up and operate a structured inter-island system of shelters for victims of violence was completed in July 2021. The topics covered included legislation, social security and the costs involved in protecting victims. The study also looked at uniform step-by-step plans (protocols), including a risk assessment tool, for sending victims to another (Dutch) island or the Netherlands.

88. The Procurator-General's Instructions on Relational Violence, containing guidance for the police and the justice system on how to deal with interpersonal (domestic) violence, were updated in 2020.

89. The ratification of the Istanbul Convention is an area of priority for the government. The University of Curaçao was given the task of researching what is needed for the country to be able to ratify and start implementing the Convention. This report is due in the first quarter of 2022.

90. In October 2020, the Ministry of Justice in collaboration with the Public Prosecutor's Office and the sex offences unit implemented a project to upgrade the sex offences unit with respect to the reporting of sexual offences against minors (but including adult female victims). The project included relocating the unit to a more private and suitable building, and equipping staff with up-to-date instruments. There is a child-friendly interview room with modern equipment to aid further investigation in the interests of the victim and a medical examination room and a doctor on call. This is necessary to conduct a proper investigation. There is also a room where victims can make a statement in private Detention cells and the interview room for suspected perpetrators are located elsewhere.

91. The project's aim was to equip the detectives with the necessary tools to upgrade the unit to provide better treatment for victims and enhance investigation methods in order to serve the interests of adult and minor victims of sexual abuse.

92. Detectives in Curaçao's police force are trained to receive, monitor and investigate complaints in a child-sensitive manner. When financially possible, detectives of the sex offences unit exchange knowledge with detectives on Bonaire.

93. Children's rights in juvenile criminal law are protected in accordance with the Procurator-General's Sexual Offences Instructions. These instructions provide a framework and rules for the criminal law approach to cases involving sexual offences as referred to in Book 2, Title XIII of the Criminal Code of Curaçao.

94. The government is working on mandatory registration of both parents of a child, which will provide a healthier living environment for children and give them the right to know both parents. Registration of both parents will be mandatory when this law is implemented. For now it is still in development.

95. The government has decided to merge three organisations: Judicial Youth Care Curaçao, the Family Guardianship Institution Curaçao, Victim Support Curaçao and the Guardianship Council, which operates a child abuse hotline, in order to provide better, faster and more effective services.

96. Parliament is currently considering the 2016 initiative to enact a national ordinance on temporary restraining orders, but finding the necessary funding is crucial in this process.

97. Public indecency offences are covered by article 2:193 of the Criminal Code.

98. Increase in domestic violence, abuse and neglect cases in relation to COVID-19 measures

The Victim Support Foundation:

<i>Year</i>	<i>Domestic Violence</i>	<i>Sex offences</i>
2018	1	6
2019	5	7
2020	3	2
2021	5	9

99. The Public Prosecutor's Office will continue to implement the Instructions on Relational Violence. Cases can be brought to court but it is also possible to impose a suspended sentence. Restorative mediation is also a settlement option if both parties agree. An appropriate intervention, which benefits both the offender and the victim, is essential for the victim's sense of security.

100. The Public Prosecutor, the Probation Service, the police and the Victim Support Foundation consult weekly to assess domestic violence cases and arrive at the best possible solution for the parties involved.

101. A specialist prosecutor has been designated to deal with the prosecution of child abuse cases. This prosecutor works together with the police's child abuse unit. Cases of child abuse are given priority. Some cases are also referred to the Reporting Centre for Child Abuse, which provides further specialised guidance for the child/family. In 2020, the Office of the Attorney General carried out an evaluation of the Sexual Abuse Instructions in which the cooperation with the relevant partners was assessed.

102. During the COVID-19 pandemic, the IOM, UNHCR, UNFPA and UNICEF supported and – continue to support – the Curaçao government and local NGOs in their efforts to assist Venezuelan refugees and victims of child abuse and domestic violence who need food and shelter.

103. In 2021 UNHCR provided operational support to a local shelter that houses migrants and victims of gender-based violence and child abuse.

104. UNFPA executed a 60-day project with emergency funding to sustain efforts by the government to help Venezuelan refugees who are victims of gender-based violence.

105. The government of Curaçao is grateful for the support and cooperation it is receiving from the international community for capacity training and the development and implementation of its national policies on the rights of the child and women's rights.

106. The government of Curaçao, in cooperation with UNICEF, has secured funds through the EU to develop a training and awareness toolkit about child protection as part of its focus on child protection. UNICEF has also secured funds from the 'Postcode Loterij' for technical support for the development and implementation of a child protection code.

107. Furthermore, local government and non-governmental organisations have been building organisational and personnel capacity with regard to victims of abuse and their rights, and training workers to deal with perpetrators of violence through offenders' assistance training.

108. The programmes provided by Young Offenders Outreach Service Curaçao (*Stichting Ambulante Justitiële Jeugdzorg* Curaçao, AJJC) are Aggression Regulation Training, Social Skills Training, Resilience Trainings, Self-Care Training and a Positive Parenting Programme which provides parents of children aged 0 to 16 years with the support they need.

109. The police deploy neighbourhood police officers/coordinators in central parts of Curaçao. These officers/coordinators serve as a point of contact on social and educational matters.

110. For several years, the approach to human trafficking has been a high priority of Curaçao's Public Prosecution Service. Prosecutors have been receiving more and more signals that sexual abuse is often connected with financial gain for facilitating third parties. In most cases, these signals come from care and support services, but they have also observed

this phenomenon in their work on criminal cases involving the prosecution and sentencing of child sexual abuse offenders.

111. It appears that underage girls are being subjected to commercial sexual exploitation in Curaçao. This is a form of child trafficking, which is punishable under article 2:240 of the Criminal Code.

112. In 2018 the Public Prosecution Service of Curaçao, in partnership with the relevant agencies and ministries, launched an initiative to develop a comprehensive approach to combating sexual exploitation of minors.

113. An integrated, multidisciplinary plan of action will be formulated on the basis of research findings. The approach will cover such matters as detecting and recognising signs, reporting, registration, monitoring, policy, legislation, shelter, care and support, criminal investigation and prosecution.

Recommendation 37 on poverty

114. To visualise the multidimensionality of poverty, the Central Bureau of Statistics Curaçao (CBS) uses a methodology referred to as the Multidimensional Poverty Index (MPI). In its MPI calculations, the CBS takes account of a number of different dimensions: health, education, social security and standard of living. The CBS has information about two types of poverty line: the subjective poverty line and the objective poverty line. The subjective poverty line is based on the results of the Budget Survey carried out by the CBS in 2016 (Annex: Poverty line and monthly income in Curaçao).

115. Employment contracts and further protection of workers' rights: at a time when the informal economy is growing and there are no efficient programmes for adequate poverty reduction, the various forms of employment contracts aimed at making the labour market more flexible often result in negative consequences for workers. After a worker has been given three consecutive fixed-term contracts, the contract is automatically deemed to be an open-ended contract with all legal benefits that entails.

116. The government, with Dutch financial aid, introduced a number of extraordinary financial assistance measures to cover the basic needs of vulnerable groups. In accordance with the relevant national ordinance, a worker who lost their job due to the pandemic could apply digitally for assistance and a food voucher.

117. The special measures taken in 2020 by the government to alleviate the most urgent needs of workers who lost their jobs and income were officially terminated on 31 December 2021. To date, the devastating effects of the pandemic have prevented a full economic restart and the government is going to great lengths to create new job opportunities for jobseekers, mainly in the service sector and the hotel sector. Major new initiatives are being undertaken, such as the construction of a new 500-room hotel in Santa Martha and the upcoming opening of the new resort developed by the Sandals hotel chain.

3.2 Updates from the Sixth Periodic Report

UN Convention on the Rights of Persons with Disabilities (CRPD)

118. During a meeting of the Council of Ministers for the Kingdom, the Minister of Social Development, Labour and Welfare announced that Curaçao wishes to ratify the Convention on the Rights of Persons with Disabilities after the necessary implementation laws are enacted. Since 2021 tentative efforts have been made, in cooperation with the local reform package team, to examine the possibilities for implementing policies that comply with the CRPD.

Employment and social security

119. In 2020, the minimum wage in Curaçao for workers aged 21 years and older was ANG 9.62 gross per hour. This was an increase of 25 cents gross per hour in comparison to 2019. ANG 9.62 per hour is equivalent to ANG 384.80 per week or ANG 1,666.18 per month. This minimum wage applies to all workers, regardless of race, belief, sex or nationality.

Free judicial assistance

120. If necessary, under article 1633aa of the Civil Code, any worker can bring proceedings before the Court of Justice in the event of discrimination. Access to free legal assistance is also guaranteed by national ordinance.

Other human rights instruments and case law in Curaçao

121. Workers' rights are primarily guaranteed by national law, as stated above. However, judges of the Court of Justice do not hesitate to apply the full arsenal of international human rights provisions, such as Article 26 of the International Covenant on Civil and Political Rights of 1966⁵² and Article 14 of the European Convention on Human Rights.⁵³

Labour mediation and social mediation

122. The Bureau for Labour Mediation deals with collective disputes, conciliation and arbitration regarding union representation of workers within companies (employers). The Bureau for Complaints deals with individual labour complaints, using mediation and conciliation methods to settle conflicts between individual workers and employers.

123. In 2020 and 2021 553 workers lodged complaints with the Bureau for Complaints. In addition to collective dispute settlement assistance offered by the Bureau for Labour Mediation and assistance in individual labour complaints offered by the Bureau for Complaints, the Bureau for Social Mediation of the Ministry of Social Development offers mediation in divorces, alimony disputes and disputes between neighbours. Approximately 251 clients made use of this social mediation service in 2020 and 2021.

Committee on the revision of labour laws

124. This committee was asked to update a number of labour laws in order to grant workers greater legal protection in a balanced and generally accepted way, but not at any cost and not fully at the expense of employers or the government. The tripartite Platform *Kòrsou ta Avansá* had an advisory role, based on the principles of social dialogue as laid down in the ratified ILO Convention no. 144.

125. So far the committee has made some significant proposals to the government regarding the amendment of various laws, including the Labour Regulations 2000 (*Arbeidsregeling 2000*, PB 2000 nos 67 & 68), the National Ordinance on Temporary and the National Ordinance on the Employment of Foreign Nationals (*Landsverordening arbeid vreemdelingen*, PB 2001 no 82). The tripartite platform was asked to advise on the National Ordinance on the Employment of Foreign Nationals on 5 February 2021 and on the National Ordinance on Temporary Employment on 8 February 2021.

IV In addition:

Mental Health and Psychosocial Support (MHPSS) COVID-19 response plan

126. In accordance with local law on disaster preparedness, the Ministry of Health, Environment and Nature (GMN) is responsible for the Mental Health and Psychosocial Support sub-plan of the COVID-19 response plan. The MHPSS plan was developed with input from the Pan American Health Organization (PAHO), local stakeholders in the MHPSS field and the interministerial working group against relational violence.

⁵² In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

⁵³ The enjoyment of the rights and freedoms set forth in the Convention shall be secured without discrimination any ground such as sex, race, colour, language, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

127. The goal of sub-plan 24 of ESF-6 is to provide MHPSS to victims and relief workers during and after a disaster. The MHPSS portion of the COVID-19 response plan was agreed by the crisis team and the cabinet on 9 April 2020.

128. The sub-plan is based on a whole-of-government and whole-of-community approach, focusing on specific groups, including children and young people and the elderly. It includes extra services, such as a helpline during lockdowns staffed by the ambulatory mental healthcare outpatient service, mental health first aid for public employers and telemental healthcare.

@ COVID-19 Vaccination of undocumented migrants in Curaçao

129. Undocumented migrants were included in the vaccination programme. Like citizens and documented residents of Curaçao in at-risk groups, undocumented migrants in at-risk groups were the first to receive the COVID-19 vaccination.

130. ‘Fundashon Salú pa Tur’ (Health for All), a clinic that provides free first-line care to undocumented migrants, was closely involved throughout the vaccination process for undocumented migrants. Fundashon Salú pa Tur worked with the government to develop video messages in different languages, providing information about the vaccination programme and encouraging undocumented migrants to register with Salú pa Tur.

Number of vaccinated undocumented migrants assisted by the Salú pa Tur clinic

- First dose: 4,975
- Second dose: 4,106
- Booster: 745

131. Since it opened at the beginning of July 2019, the Salú pa Tur clinic has assisted a significant amount of people with irregular migratory status. Fundashon Salú pa Tur has received financial support from the Netherlands Refugee Foundation (Stichting Vluchteling) and the United Nations High Commissioner for Refugees (UNHCR).

132. Fundashon Salú pa Tur is also assisted by volunteers and medical specialists who are available for consultation and provide free consults on urgent cases. The clinic also helps migrants who have chronic illnesses such as HIV/AIDS and diabetes. If necessary, patients are put in touch with a psychologist or referred to the hospital.

133. Many irregular migrants are reluctant to seek further treatment in hospital for fear of being identified by the police or the immigration authorities. For the same reason, migrant women who suffer abuse are reluctant to report abuse to the authorities. In addition, Venezuelans with irregular migratory status have little money to spend, which sometimes hinders the treatment process.

134. According to estimates, there are in excess of 26,000 Venezuelan migrants in Curaçao, which is more than 20% of the island’s population. It is not known how many Venezuelans with irregular migratory status have come to Curaçao in recent years. Many come illegally by boat and others arrived legally as tourists but stayed after they were supposed to leave the country. Venezuelans who live on the island. This includes, *inter alia*, DTap-IPV, measles, rubella and mumps immunisations and additional border control.

Crisis interventions by government during the COVID-19 pandemic for residents and migrants 2020 – 2021

135. During the COVID-19 pandemic various government and non-governmental organisations sprang into action to provide assistance to affected individuals, families, residents and migrants.

136. With the help of these local and international organisations, the government implemented support measures for vulnerable groups in 2020. These efforts continued in 2021, in part with the help of the Dutch government.

137. The following facilities were offered to families and individuals (residents including migrants): debit cards for food, food parcels, hot meals and extra financial support to welfare

recipients, employed persons who lost their income and (small) business owners affected by the pandemic.

138. The Dutch government has also provided support in the form of financing for debit cards for food to irregular migrant families (from May 2021 to September 2021), with the help of the Red Cross, the food bank and IOM. IOM coordinated this effort up to October 2021.

Basic health card

139. As the ILO Equality of Treatment (Social Security) Convention has been applicable to Curaçao since 3 July 1946 with recent amendments, all workers (including migrant workers) are entitled to all arrangements under the Basic Health Insurance, Sickness Insurance and Accident Insurance schemes. The Basic Health Insurance scheme includes visits to the general practitioner, primary psychological care, medical care, hospital care (including transportation of patients), specialist care, paramedic care, dental care, pharmaceutical care, medical aids, obstetrics, maternity care and medical care abroad.

Vaccination programme

140. The vaccination campaign is financed with Dutch funds. Every resident was entitled to receive the required doses of the Pfizer or Moderna vaccine free of charge and, after vaccination, was able to generate the QR code. To date, out of a total population of 150,000 inhabitants, 100,000 have been vaccinated against COVID-19.
