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**IMPLEMENTATION OF THE INTERNATIONAL COVENANT  
ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS**

**Combined fourth and fifth periodic reports submitted by States parties  
under articles 16 and 17 of the Covenant**

**THE NETHERLANDS\***

[9 April 2008]

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\* The appendices can be consulted in the files of the Secretariat.

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## I. INTRODUCTION

1. This report is submitted pursuant to the revised guidelines regarding the form and content of reports to be submitted by States parties under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/C.12/1991/1).
2. These combined fourth and fifth periodic reports cover the period from 1 January 2003 to 31 December 2006. The reports (referred to below in the singular) are a response to the concluding observations (E/C.12/NLD/CO/3<sup>1</sup>) and cover the rights mentioned in articles 1-2 and 6-15.
3. The report does not comment upon subjects which were dealt with in the previous reports or in the Netherlands' response to the Committee's list of issues (E/C.12/NLD/Q/3/Add.1) and which remain unchanged in the period covered by the present report.
4. This report covers the Netherlands (the European part of the Kingdom). The reports of the Netherlands Antilles and Aruba will be submitted separately at a later stage.

## II. REACTIONS TO THE CONCLUDING OBSERVATIONS OF THE COMMITTEE

### A. Optional Protocol

5. The Committee encouraged the Netherlands to consider giving its support to the process of discussion and future adoption of the Covenant's Optional Protocol on an individual communications procedure.
6. The Netherlands has been and will continue to be a constructive partner with regard to discussions about the Covenant's Optional Protocol on an individual procedure. The Netherlands will continue to build upon the outcome of the latest meeting of the Open-Ended Working Group on an Optional Protocol to the International Covenant on Economic, Social and Cultural Rights, which took place from 16 to 27 July 2007 in Geneva.

### B. Ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

7. The Committee encouraged the Netherlands to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

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<sup>1</sup> The concluding observations of the Committee on the second periodic report of the Netherlands are contained in *Official Records of the Economic and Social Council, 2007, Supplement No. 2* (E/2007/22-E/C.12/2006/1), paras. 571-604.

8. At this point the Government has no intention to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. This is, inter alia, related to the Benefit Entitlement (Residence Status) Act (*Koppelingswet*), which entered into force on 1 July 1998 and which distinguishes between foreigners with and without legal residence status, and the consequences of that distinction for entitlement to social security benefits.

9. It should be noted that only States that can be characterized as countries of origin of labour migrants have ratified the Convention, while countries of destination have been reluctant to do so.

### **C. Applicability of the provisions of the Covenant**

10. The Committee recommended that the Netherlands reassess the extent to which the provisions of the Covenant might be considered directly applicable. It urged the Netherlands to ensure that the provisions of the Covenant are given effect by its domestic courts, as defined in the Committee's general comment No. 3 (1990), and to promote the use of the Covenant as a domestic source of law. It invited the Netherlands to include in its report information on case law concerning the rights recognized in the Covenant.

11. The Netherlands would refer to previous reports for information on the Netherlands' position on the direct applicability of the Covenant. Information on case law concerning the rights recognized in the Covenant is attached to this report (appendix I).

### **D. Use of information and communications technology**

12. The Committee recommended that the State party make full use of information and communication technology, including the Internet, to promote the dissemination of practical and easily understandable information on the enjoyment of economic, social and cultural rights, especially for vulnerable and marginalized individuals and groups.

13. The Dutch Government makes full use of the Internet in informing members of the public of their rights and obligations. The general website of the Ministry of Social Affairs and Employment ([www.minszw.nl](http://www.minszw.nl)) explains in simple terms the rights and obligations applying in the fields covered by the Ministry. Special websites have also been developed for young people ([jongerenloket.szw.nl](http://jongerenloket.szw.nl)) and for local authority officials ([gemeenteloket.szw.nl](http://gemeenteloket.szw.nl)) covering the implementation of rules and legislation in the Ministry's field. Official publications, particularly letters from the Minister and State Secretary to Parliament, are also posted on the sites. Publications from the *Staatscourant* (Government Gazette) and *Staatsblad* (Bulletin of Acts and Decrees) on subjects covered by the Ministry also regularly appear on the sites. For people who live outside the Netherlands, the Ministry of Social Affairs and Employment has an English website containing basic information on the rights and obligations of foreign nationals wishing to live and work in this country.

14. Information communications technology (ICT) is of course essential for the dissemination of information via the Internet. The Ministry has its own ICT infrastructure for this purpose.

15. Not everyone has access to the Internet, so the Government also produces information leaflets setting out people's rights and obligations, which they can order free of charge. Media campaigns via radio, television, newspapers and magazines focus attention on major topics such as childcare or incapacity for work.

16. Finally, members of the public can call the Ministry of Social Affairs and Employment free of charge for further information and clarification of their rights and obligations. They may also submit their queries in an e-mail or letter, which will be answered in accordance with the standards set by the National Ombudsman.

### **E. Dissemination of racial and discriminatory material through the Internet**

17. The Committee recommended that the Netherlands continue its efforts to prevent the dissemination of racist propaganda, including by enforcing appropriate legislation, and providing education on and awareness-raising of this phenomenon.

18. The Dutch Government shares the Committee's concerns about the dissemination of racist and discriminatory material on the Internet. The reasons behind the large number of complaints submitted to the Internet Discrimination Hotline (MDI) include the fact that more and more people are using the Internet in general and are aware of the existence of the MDI and the fact that, as a relatively anonymous medium, the Internet is attractive to a large number of racist individuals and groups.

19. In the period immediately after the murder of filmmaker Theo van Gogh in November 2004, the Internet was swamped with xenophobic messages, both from people who thought that the spread of Islam should be stopped and from people expressing their satisfaction at the murder and at the fact that the "jihad in the Netherlands" had begun. The exact number of racist websites and news groups is unfortunately unknown.

20. According to its 2005 annual report, the MDI recorded 1,289 individual instances of discriminatory utterances, most of which were posted on interactive websites such as web forums and weblogs, the majority on Dutch sites in Dutch.

21. In terms of the groups targeted, utterances directed against Muslims saw a sharp increase and for the first time since the inception of the MDI, Islamophobia was the biggest category, at 371. The number of reports of messages expressing hatred of "immigrants" and "foreigners", using these terms, also rose sharply, as did the number of reports of Afrophobia (175 instances) and discrimination against Moroccans (186 instances). At 56, the number of reports of discrimination against Turks saw a slight increase. Anti-Semitic utterances (302) and, to a lesser extent, discriminatory remarks about the ethnic Dutch (38) fell slightly in number in 2005.

22. In 2005 96 per cent of offensive utterances were removed after a request by the MDI. This high percentage and the large number of racist comments removed by site moderators before the MDI had spotted them online (14 per cent of the total) suggest there is considerable willingness to keep websites free of discriminatory content. The MDI reported seven cases to the police in 2005.

23. Following consultations between the MDI, the Public Prosecution Service's National Discrimination Expertise Centre (OM-LECD) and the police service's National Bureau for Discrimination Cases (LBD), the participating institutions concluded further agreements regarding the monitoring and processing of online discrimination cases.
24. To boost the battle against online discrimination, the MDI ran a series of successful workshops over a period of three weeks attended by some 700 Amsterdam police officers and assistant public prosecutors. It also gave a presentation at the national meeting of public prosecutors responsible for prosecuting discrimination cases, at the invitation of the OM-LECD.
25. To boost the battle against online discrimination, the Government has further increased the MDI's funding for 2007.
26. There are also plans to set up a National Cybercrime Centre, which would primarily focus on radical and terrorist activity online. Besides dealing with reports from the public, the organization would also actively monitor the Internet. After conducting its own assessment, it would pass the information on to the appropriate authorities: the Public Prosecution Service, the police and the General Intelligence and Security Service. However, the establishment of the new hotline was shelved indefinitely shortly before the launch date of 1 January 2006, as a number of tendering procedures were taking longer than expected.
27. The Ministry of Justice, the Public Prosecution Service and the police have in recent years intensified the use of the criminal justice system to tackle discrimination and will continue this effort. This has resulted in the following policy measures:
- (a) Policy letter on anti-discrimination and law enforcement (November 2005)**
28. This includes the results of the Public Prosecution Service's investigation of dropped charges and of the introduction of a statutory prohibition on structural forms of discrimination. Penalties for structural discrimination have been increased. The penalties for systematically and deliberately insulting people on grounds of race, religion, belief or sexual orientation and for systematic incitement to discrimination have been doubled to two years' imprisonment (Letter of 3 November 2005 from the Minister of Justice on anti-discrimination and law enforcement, House of Representatives 30 300 VI, No. 26, not available in English).
- (b) Public Prosecution Service: Outlook 2010**
29. The Public Prosecution Service (OM) included the issue of discrimination in its multi-year plan Outlook 2010, as one of six new priorities that it intends to tackle on a systematic basis. The focus in tackling discrimination will be on establishing anti-discrimination support centres at each of the OM's 11 regional public prosecutor's offices. The public prosecutor with responsibility for discrimination cases at the regional public prosecutor's office will work for that regional office and any local prosecutor's offices in the region. Concentrating anti-discrimination efforts at the regional public prosecutor's offices should increase quality and efficiency and improve and ensure continuity. A substantial investment will be made in training

public prosecutors specializing in discrimination, largely by means of specifically tailored courses and publication of a handbook on discrimination. The handbook, drafted by the OM to increase public prosecutors' and prosecutor's clerks' expertise in discrimination matters, was published on 1 November 2006 (Outlook 2010, not available in English).

**(c) National Framework for the Dutch Police**

30. On 9 October 2006 the Minister of Justice, the Minister of the Interior and Kingdom Relations and the Chair of the Board of Regional Police Force Managers signed the National Framework for the Dutch Police in 2007. Combating discrimination has been designated one of the top priorities for 2007. The National Framework includes commitments on how the police will combat discrimination. Specifically, the regional forces agreed to regularly inform the Public Prosecution Service, local authorities and other relevant partners about their policy on discrimination offences. They will also implement the nine preconditions for combating discrimination that the Board of Chief Commissioners laid down in January 2004. This is not the exclusive responsibility of the police; Ministers will also encourage local authorities, the Public Prosecution Service and other relevant partners to work closely together (National Framework for the Dutch Police in 2007, not available in English).

**(d) WODC investigating penalties in discrimination cases**

31. The Minister of Justice has commissioned the Research and Documentation Centre (WODC) to study penalties in discrimination cases in order to ascertain the effectiveness of using the criminal law to tackle occasional discrimination. The question being considered is: in view of the necessity of effectively combating and preventing occasional discrimination, how adequate are the existing sentencing provisions and their application by the courts in cases of occasional, specific and criminal discrimination? The report is due to be published in the summer of 2007.

*(Source: A.A.M. Mattijssen, Coordinator for Anti-Discrimination/Anti-Racism, Crime and Safety Division, Law Enforcement Department, Ministry of Justice.)*

32. In 2006 there was increased use of the criminal law to tackle online discrimination. Three cases reported by the MDI that year resulted in convictions, including the case of the "housewitz" film, which was posted on the Internet in mid-2005, and a case concerning a website on which, under the guise of "satire", extremely discriminatory utterances were made against Jews and homosexuals. The conviction in the latter case was upheld on appeal on 17 November 2006. The court rejected the defence brought by the makers of the site that it was a matter of artistic expression and a contribution to the public debate. In the view of the court, the texts on the site went beyond the bounds of acceptability and caused unnecessary offence.

33. Another example of the consistent detection and prosecution of online discrimination involved an action against [www.stormfront.nl](http://www.stormfront.nl). Stormfront is one of the largest right-wing extremist websites in the world. The police and criminal justice authorities recently launched a

major investigation into Stormfront, partly in response to intelligence and to an official report by the MDI. The police recently searched the premises of several moderators of the Dutch branch of Stormfront.org.

34. The independent Equal Treatment Commission (CGB) plays a major role in the use of existing civil law provisions. The Commission is an easily accessible body that issues non-binding findings in discrimination cases. The parties concerned (including private individuals) may cite the Commission's findings in the civil courts, where they carry considerable weight.

35. Finally, the Dutch Government believes that international steps must be taken to combat racism on the Internet. On 16 November 2006 the Netherlands ratified the Council of Europe Convention on Cybercrime, which will enter into force in the Netherlands on 1 March 2007. The Additional Protocol, concerning the criminalization of acts of a racist and xenophobic nature committed through computer systems, was not, however, ratified during the period under review.

#### **F. Ethnic minority women and the labour market**

36. The Committee recommended that the Netherlands continue and strengthen its measures to overcome the obstacles faced by ethnic minority women in accessing the labour market. It invited the Netherlands to provide, in its next report, an assessment of the impact of the measures taken.

37. The net labour market participation rate of non-Western immigrants is generally below that of the ethnic Dutch population. There is a clear difference between Turks and Moroccans on the one hand, and Surinamese and Antilleans/Arubans on the other. Labour market participation by women in the latter two groups is almost equal to that of ethnic Dutch women, and among men it is only slightly lower.

38. The participation rate among Turks and Moroccans, on the other hand, is much lower. In about 2001 both men and women appeared to be catching up slightly, but this trend has now ceased. Labour market participation among Turkish and Moroccan women has in fact fallen slightly over the past two years, while that of ethnic Dutch women has risen slightly.

#### **Measures**

39. There is still a great deal of room for improvement in the labour market status of ethnic minority women. Since the scheme under the Employment of Minorities (Promotion) Act ended in 2004 and the Committee for Ethnic Minority Women's Participation (PaVEM) was disbanded in 2005, extra measures have been taken to improve the position of ethnic minority women on the labour market.

40. It is hoped that this target group will benefit above all from general measures the Government is taking to remove labour market obstacles (to prevent stigma and fragmentation). The basic principle of labour market policy in recent years has been to abandon the use of target

groups, focusing instead on generic labour market policy. In other words, only measures that benefit all - concerning things like childcare or training, for example - will be introduced. This generic approach is, however, complemented by customized implementation at the individual level (with a focus on a person's skills and circumstances). Only if the general approach proves ineffective will specific measures be taken.

41. The most important measures introduced for ethnic minority women since the Employment of Minorities (Promotion) Act and the Committee for Ethnic Minority Women's Participation were phased out have been as follows:

(a) Reintegration policy has been decentralized, with the introduction of the new Work and Social Assistance Act (WWB). Placing responsibility for reintegration where knowledge of the local situation and clients is greatest allows public resources and instruments to be used to greatest effect;

(b) The results achieved by the Committee for Ethnic Minority Women's Participation have been consolidated:

- (i) The Ethnic Minority Women and Employment Coordination Group (RAVA) was set up in February 2006 to play a role in translating the Committee's agreements concerning employment into real results. The Group is conducting experiments with local authorities to identify ways of assisting ethnic minority women into jobs. Group members use instruments developed by the Committee, including coaching, networking and empowerment training;
- (ii) The network of and for ethnic minority women set up by the Committee is to continue as an independent non-profit organization known as Pafemme. Pafemme will help establish local networks and reach out to ethnic minority women;
- (iii) As a follow-up to the TaalTotaal language action plan drawn up by the Committee, the Government has made money available to allow local authorities to fund extra integration services for ethnic minority women;
- (iv) The Committee's initiative of fostering social participation by ethnic minority women with the help of voluntary organizations was taken up by the Ministry of Social Affairs and Employment (and has now been taken over by the Ministry of Education, Culture and Science). The goal for the coming years is to activate 50,000 ethnic minority women;

(c) The Dutch Refugee Council has launched a "jobs offensive" for refugees, in collaboration with the Foundation for Refugee Students (UAF), the refugee employment agency Emplooi and the Centres for Work and Income (CWI), with financial support from the Ministry of Social Affairs and Employment. The aim of the project is to help 2,600 extra refugees (including women) into jobs over a period of three and a half years;

(d) Unlike the Employment of Minorities (Promotion) Act, current policy is based mainly on encouraging, persuading and supporting employers to implement policy on diversity. The National Diversity Management Network (DIV) was set up for this purpose on 1 January 2005. DIV collects tools and examples of best practice. Instruments have also been developed for measuring staff diversity, including the Diversity Quick Scan;

(e) A Diversity Ambassadors Network consisting of representatives of small and medium enterprises (SMEs), large companies and central Government also existed until the end of last year. Its brief was to inspire and encourage employers to mainstream diversity in their organization.

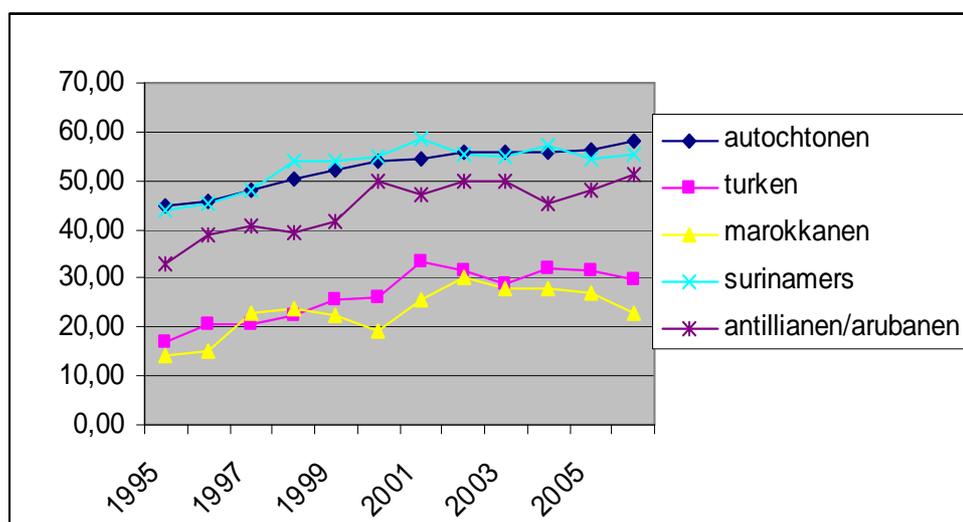
42. The Government's reintegration policy not only focuses on ethnic minority women receiving benefits; general reintegration resources can also be used for women who are not benefit recipients. Many ethnic minority women have no income from either work or benefits (the figure is just under 50 per cent in the case of Turkish and Moroccan women). Encouraging these women often requires a very specific, intensive approach. The RAVA group is experimenting with eight local authorities on ways of reaching ethnic minority women. The Government's equal rights and integration policy also focuses on these vulnerable women with poor labour market prospects. By forging links between integration programmes for ethnic minority women, the activities of voluntary organizations and reintegration programmes, the Government hopes to achieve a comprehensive approach that will help these women into work.

**Table 1**

**Women in the labour market, 1995-2006 (%)**

Year	Dutch	Turkish	Moroccan	Surinamese	Antillean/Aruban
1995	45.00	17.00	14.00	44.00	33.00
1996	45.80	20.80	14.90	45.20	39.00
1997	48.20	20.50	22.70	48.20	40.90
1998	50.20	22.20	23.70	54.20	39.30
1999	52.20	25.80	22.20	54.10	41.50
2000	53.80	26.00	19.00	55.00	49.70
2001	54.60	33.40	25.70	58.50	47.00
2002	55.60	31.50	30.30	55.30	49.80
2003	55.80	28.90	27.90	55.00	49.90
2004	55.60	32.10	27.70	57.10	45.40
2005	56.10	31.40	26.80	54.50	48.10
2006	57.90	29.70	22.80	55.30	51.20

**Figure 1**  
**Labour market participation of women**



autochtonen = Dutch  
turken = Turkish  
marokkanen = Moroccan  
surinamers = Surinamese  
antillianen/arubanen = Antillean/Aruban

### G. Participation of women

43. The Committee encouraged the Netherlands to implement adopted measures to support the participation of women, including women from ethnic groups, in the workforce and to continue in its efforts to mainstream gender equality across all public policies. It invited the State party to provide, in its next report, detailed information, including an assessment of the measures taken.

44. The Working Hours (Adjustment) Act (2000), the Work and Care Act (2001), the Childcare Act (2005) and the life-course savings scheme (2006) have all been designed to remove obstacles preventing women from participating in the labour market. The Working Hours (Adjustment) Act, for example, allows workers to reduce or extend their hours. The Work and Care Act stipulates a right to pregnancy and maternity leave, paternity leave, adoption leave, parental leave, care leave and emergency leave. In 2005 the Act was extended to include long-term care leave. The new Government has announced its desire to extend parental leave from 13 to 26 weeks and to establish whether a pregnancy and maternity leave scheme can be introduced for the self-employed.

45. The Childcare Act 2005 guarantees the quality and organizes the funding of childcare on the basis of shared responsibility between employers, employees and the Government. To guarantee the financial accessibility of childcare, and make it easier for parents to combine work and care responsibilities, the Act gives parents the right to a means-tested allowance for officially recognized childcare.

46. The life-course savings scheme, which came into effect on 1 January 2006, offers workers the opportunity to save part of their salary to fund a period of unpaid leave in the future. This scheme, which is based on the individual, is designed to give employees more opportunity to spread the time they spend on paid work and other things as they see fit. Parents who take their statutory parental leave and are participating in the life-course savings scheme can gain a fiscal advantage thanks to an extra tax credit.

47. Developments initiated by work-life balance projects facilitate the combination of work and care in many areas. Examples include wrap-around care for children up to the age of 12, flexible working time, teleworking and support services for informal carers.

**Table 2**

**Net labour market participation rate of women, by age, 2000-2005 (%)**

Age	2000	2001	2002	2003	2004	2005
Total	52	53	54	54	54	54
15-24	41	43	42	40	37	37
25-34	71	71	71	72	72	73
35-44	62	64	65	65	65	66
45-54	52	55	57	60	60	61
55-64	20	20	22	24	26	27

48. The Emancipation Monitor 2006 shows that the net labour participation rate for women in 2005 was 54 per cent below the target for that year. One possible explanation for this is the slowdown in the economy between 2002 and 2005. Figures show that labour market participation saw a particular decline among younger women, in the 15-24 age group. When jobs are scarce, young people are less likely to seek work, tending to opt instead to remain in education. A large increase in labour market participation did, however, occur among women aged 55-64 and certain ethnic minority groups.

**Table 3**

**Net labour market participation rate of women,  
by ethnic background, 1995-2005 (%)**

	1995	2000	2003	2005
Dutch	45	54	56	56
Western immigrant	44	51	53	56
Non-Western immigrant	28	36	39	38
of which				
Turkish	17	26	29	31
Moroccan	14	19	28	27
Surinamese	44	55	55	55
Antillean/Aruban	33	50	50	48

49. The Dutch Government has put in place the following generic measures that may support efforts to raise labour market participation among women:

- Combination tax credit: fiscal measure designed to make it more attractive for women to seek a job or return to work.
- Supplementary combination tax credit: fiscal measure designed to make it more attractive for women to seek a job or return to work.
- The combination tax credit is a fixed amount (€146) which is paid to all working parents who have children under the age of 12 living at home. If the parent has no fiscal partner or earns less than his/her partner, he/she may apply for a supplementary combined tax credit (€608).
- Contribution towards costs of officially recognized childcare (employers/tax authorities). From 1 January 2007 employers will be obliged to contribute towards the costs of childcare. This will amount to €500 million. The Government has earmarked some €300 million extra for the parental contribution in 2006 and 2007, bringing the costs down considerably.
- General before- and after-school care scheme. A scheme is currently being developed whereby schools will offer childcare between 07.30 and 19.00.
- Life-course savings scheme: this allows people to spread the time they spend on work and care better over their lifetime.
- Work and Care Act: this regulates things such as parental leave and maternity leave.
- Work-Life Balance Projects: people often find it difficult to balance their work and private lives. There is insufficient childcare, working hours are too inflexible, school hours are not compatible with working hours, and childcare and other schemes are not adequately coordinated.
- Ethnic Minority Women and Employment Coordination Group (RAVA): this group has the task of improving the labour market status of ethnic minority women.
- Action plan on equal rights and reintegration for ethnic minority women.

50. In 2006 there was a general evaluation of policy designed to assist the combination of work and care responsibilities. The policy consists of a system of leave schemes, the life-course savings scheme and accessible, good-quality childcare. No specific policy information was collected on these subjects until 2005. However, the data from that year and the evaluation of the Work and Care Act in 2004 can be used to assess whether the policy appears to be reaching the intended target group and meeting the need. The new Government has transferred responsibility for childcare and equal rights from the Ministry of Social Affairs and Employment to the Ministry of Education, Culture and Science.

51. The Netherlands recently published a report to the European Employment Observatory clearly outlining the latest situation concerning labour market legislation and the associated system of social security. The report has been appended to this document (appendix II).

### Need for and uptake of leave schemes

52. The extent to which the general objective of policy on work and care is being achieved can be ascertained by measuring the difference between the number of people who would like to combine work and care responsibilities, and those who actually do so. The Labour Force Survey shows that this applied to 21 per cent of employees in 2005. The same applies to the leave schemes, in terms of the discrepancy between the number of workers requiring leave who have not taken leave, and the total number of workers requiring leave (see table 4). The Dutch Government has set itself the goal of reducing this discrepancy by 25 per cent by 2009.

**Table 4**

#### Discrepancies in combination of work and care responsibilities (2005) (%)

	Percentage of workers who wish to combine work and care but do not do so/total number of workers wishing to combine work and care		
	Total	Men	Women
Combining work and care	21	23	19
	Percentage of workers requiring leave but not taking it/total number of workers requiring leave		
Parental leave	54	43	66
Short-term care leave	31	35	27
Long-term care leave	36	52	60

53. Schemes for short-term care leave would seem to meet the needs of a large majority of employees. Those who need leave actually seem to take it, though they do not take advantage of their statutory right to special leave under the Work and Care Act.

**Table 5**

#### Need for and uptake of leave (2001/2002) (%)

Type of leave	No need	Need but no uptake	Need and uptake	Of which by statutory regulation
Emergency leave	10	8	82	5
Short-term care leave	13	13	73	9
Paternity leave	5	5	90	100
Long-term care leave	29	29	43	Did not yet exist
Parental leave	74	19	7	Unknown

Source: S. Keuzenkamp and H. van Luijn (2004), *Werkt verlof* (Does Leave Work), table 11.1.b.

54. Failure to take statutory leave may signify that there is no need for such schemes, as people have enough ordinary leave. It might also be that statutory leave is used as a last resort. As such, the schemes achieve the Government's aim of putting workers who need leave in a position to take it.

55. Combined data from research among employers and employees suggest that there is often a lack of support from the organization or employer, which creates obstacles for staff who might wish to take statutory leave. This underlines the importance of some form of social innovation in organizations. Ethnic minority workers, in particular, are insufficiently aware of the statutory leave schemes. The Social Atlas of Women from Ethnic Minorities 2006 shows that Turkish, Moroccan and, above all, Antillean women make less use of parental leave than their Dutch counterparts. Many workers are not fully aware of the conditions attaching to statutory leave. More than half of employers do not, incidentally, regard themselves as responsible for helping their staff achieve a good work-life balance.

56. Leave schemes for short-term situations meet the needs of users. Most of those taking leave found that they were able to take enough time off work. This implies that the 10 days currently available as short-term care leave is sufficient. New fathers tend to take more leave than the statutory paternity leave available, however.

57. Long-term leave (parental leave and long-term leave to care for a sick relative) does not include a statutory right to the continuation of pay, as it is felt that such matters should be arranged between employers and employees. Staff taking parental leave do, however, receive financial support from the Government in the form of a tax credit equal to 50 per cent of the minimum wage. However, to qualify for this, parents must be participating in a life-course savings scheme. These schemes, introduced in 2006, facilitate all forms of leave.

### **Need for and use of childcare**

58. The Childcare Act (2005) governs the quality and affordability of childcare (for children up to the age of 12). The new legislation has shifted the focus from supply-side financing to demand-side financing, ensuring that childcare remains accessible by entitling all working parents with children below the age of 12 to a means-tested childcare allowance. The idea is that both parents and employers should also make a contribution to the costs. In 2006, 200,000 households received a childcare allowance from the Government, partially covering the costs of care for some 300,000 children. A temporary incentive scheme for the expansion of capacity in the childcare sector has helped increase the number of places offered by officially recognized childcare organizations. Capacity increased tenfold between 1990 and 2005, from 20,000 to 200,000 places.

59. Data on the uptake of childcare show that a large group of working parents and, above all, single working parents, use the services of official childcare organizations, more commonly for children up to the age of 4 than for primary school pupils (20 per cent as opposed to 8 per cent). Officially recognized childcare services are also used by socio-economic groups below the modal income, as intended. These groups account for around a fifth of users. Most working parents who do not use official childcare facilities do so either because one or both parents are available to take care of the child(ren) or the parents are able to arrange informal care. The costs of officially recognized childcare are also cited as a reason, particularly by ethnic

minority parents, even though low-income households can usually obtain a relatively large contribution from the Government. This misconception might not only keep some working parents from seeking official childcare; it might also be preventing some non-working parents from entering the labour market.

60. Under the new Childcare Act, resources have been deployed in such a way that families on lower incomes benefit most from the childcare allowance, but middle- and higher-income households can potentially lose out. Partly in view of this fact, extra funding has been earmarked to improve access to childcare. The budget for childcare has been rising since 2005 and is set to reach €1,580,000,000 in 2007, partly as a result of the extra €200 million earmarked to increase the childcare allowance for middle- and higher-income households (€170 million), expand out-of-school care, improve lunch-break care, raise standards and tighten up supervision. In 2007 €125 million will be made available to raise the childcare allowance for the first child.

61. In 2006 the Government commissioned a survey of employers' contributions as at 1 May 2006. It revealed that the aim of ensuring that 90 per cent of employees could claim a contribution from their employer by 2008 would not be achieved. On 1 May 2006 a third of employees were unable to claim a full contribution from their employer. The Government therefore proposed that the employer's contribution to the costs of childcare be made a statutory requirement as of 1 January 2007. This will raise the budget for the childcare allowance by over €500 million in 2007.

### **Specific work-life balance projects**

62. The Combination of Care and Paid Work Incentive Scheme ran from March 1999 to February 2003. The aim of the scheme was to promote experiments that would enable workers to achieve a better work-life balance and improve job opportunities for women, in particular. A total of 140 experiments were conducted involving tailor-made work, wrap-around care, tailor-made care, tailor-made services, "tailor-made time", "tailor-made space" and tailored solutions in rural areas. Two thirds of these experiments have become a part of policy or are continuing on an independent basis. In 2003, the work-life balance steering group issued an advisory report entitled *Ruimte voor Ritme* (Room for Rhythm).

63. The results of the incentive scheme show the importance of adapting the social infrastructure to the needs and desires of people who need or wish to combine care responsibilities with paid work. A number of main areas for adaptation were identified after analysis of the results:

- *Wrap-around care*: a coordinated, continuous supply of education, childcare and leisure facilities that children and parents can use according to their needs and preferences
- *Tailor-made work*: more flexibility for workers in deciding their own working times and in using leave and savings schemes throughout their working lives (life-course savings)
- *Society's hours*: better coordination of work and opening hours
- *Work-life balance in rural areas*: specific focus on the small scale in balancing work and life in rural areas

64. A great deal of effort will be needed to mainstream the work-life balance concept in regular policy, including in the private sector. It was therefore decided that a start should be made on implementing successful results from the incentive scheme as soon as it ended. A series of follow-up projects and experiments have been launched to gain experience in a number of areas, partly based on the results of the scheme.

65. Between 2002 and 2007 €24 million has been made available from the Dutch ESF-3 budget for innovative work-life balance projects and for implementing the results achieved. The fourth round of projects is being implemented up to September 2007. In the first three rounds, 121 projects received financial support. They focused on things like diversity and work-life balance, small-scale entrepreneurs providing care and personal services, rural areas, coordination of work and opening hours, flexible working, flexible schools, childcare and leisure hours, and time, transport and space. The projects in the fourth round (a total of 53) are focusing on work-life balance solutions. Work is also under way to ensure the successful handover of projects from earlier rounds.

66. In March 2007 a study was launched into the effects of work-life balance projects in society and how and where those effects can best be consolidated. Interviews are also currently being held with consultants working in government departments and civil society organizations in an attempt to mainstream work-life balance best practice.

#### **H. Work and Social Assistance Act**

67. The Committee urged the Netherlands to strengthen the ongoing evaluation of the consequences of the Work and Social Assistance Act, so as to ensure adequate entitlement to and duration of social assistance benefits for vulnerable members of society as well as support during the administrative procedure of entitlement to the benefit. The Committee requested the Netherlands to provide detailed information on this evaluation in its next periodic report.

68. In order to combat the non-uptake of social assistance, the Netherlands has stepped up its information efforts, and has linked the databases of social security implementing agencies so that people on a low income can be targeted with information on their eligibility for extra assistance. A brief answer is given below. More comprehensive information on the evaluation of the Work and Social Assistance Act can be found in the section on article 9, under the heading “Social assistance”.

#### **Combating non-uptake of social assistance**

Objective	Indicator
Reduction in non-uptake of social assistance	Rate of non-uptake

69. The Government has found that many people fail to take full advantage of the social assistance available and that their purchasing power is consequently lower than it ought to be according to the “official” figures. Furthermore, during the consultations there were calls for the

Government to adopt a proactive approach to ensure that its policy reaches more people (particularly those living in social isolation). Various parties are currently engaged in efforts to counter the non-uptake of social assistance by publicity, by linking databases and by simplifying and helping people with application procedures. The Government also intends to consult various partners (Association of Netherlands Municipalities, Divosa and non-governmental organizations) on further measures that can help prevent the non-uptake of social assistance. Personal responsibility is an important factor in reducing the non-uptake of social assistance, since people who are entitled to support ultimately have to decide for themselves whether or not to actually claim it.

### **Publicity**

70. The Government tries to keep the public informed about benefit schemes at both national and local levels. Various agencies publicize the different schemes, by referring clients and by encouraging them to make use of their informal networks. Extra initiatives were introduced in 2006, including the launch of the website <http://www.grijpjekansen.nl/> which targets young people whose parents may be entitled to social assistance. This is a particularly useful way of reaching parents with a poor command of Dutch, as their children are generally better informed about what is happening in Dutch society.

### **Linking of databases**

71. Since 1 January 2006, the Information Bureau (Inlichtingenbureau) has provided a platform for the structural exchange of data between the Social Insurance Bank (SVB) and local authorities relating to people who do not receive a full State old-age pension (AOW). Local authorities are then able to actively target these people, informing them of their possible entitlement to social assistance. The SVB is also implementing the Work and Social Assistance Act (WWB) for over-65s in a number of pilot projects in The Hague, Eindhoven, Noordoostpolder and Cuijk.

## **I. Strategy Plan for Social Relief**

72. The Committee would welcome information in the next report on the outcome and assessment of the Netherlands' Strategy Plan for Social Relief, launched this year, which aims at gradually integrating all homeless people into the system over a period of seven years.

73. The Strategy Plan for Social Relief targets 21,800 people living in a vulnerable situation in one of the four big cities (G4). This group consists of 10,000 individuals who are actually homeless and 11,800 individuals who are known to be socially vulnerable, even though they are not officially on the registers of the care and welfare organizations. For the first few years, the focus will be on improving the situation of the former group, while at the same time preventing the socially vulnerable group from actually becoming homeless. The aim of the Plan is to improve these people's situation and to reduce the nuisance they cause. Five key objectives have been identified and linked to measurable indicators.

**Table 6**

**Strategy Plan for Social Relief: key objectives and associated indicators**

The five key objectives	Indicators
1. Homelessness as a result of eviction should be (virtually) eradicated. By 2008 the number of evictions should have fallen to below 30 per cent of the 2005 figure.	(a) Number of evictions by housing associations relative to the number of homes they own in the local authority area. (b) Number of evicted individuals reporting to shelters within a month of eviction, who have been homeless in the intervening period.
2. Homelessness as a result of imprisonment should be (virtually) eradicated.	Number of ex-prisoners reporting to shelters after their release, who have been homeless for at least a month.
3. Homelessness as a result of discharge from a care institution should be (virtually) eradicated.	Number of former patients reporting to shelters after their discharge, who have been homeless for at least a month.
4. The 10,000 people who are currently homeless and any who become homeless from now on should be provided with an income, stable accommodation suited to their individual needs, a compulsory evidence-based care programme ... and, where possible, suitable work.	(a) Number of homeless that have been through an intake procedure and have an individual plan. (b) Number of homeless in the final phase of the process who as far as possible have been provided with: <ul style="list-style-type: none"> <li>• stable accommodation</li> <li>• a regular income</li> <li>• health insurance</li> <li>• regular contact with support services</li> <li>• some stable form of daily activity or work</li> </ul>
5. Nuisance-causing behaviour should be reduced in a large proportion of the target group (up to 75 per cent of the current level in seven years).	Number of offences and reports of nuisance involving the target group.

74. The Plan takes a two-track approach:

(a) An individual approach based on individual plans and personal client managers. This approach will be extended to all 21,800 socially vulnerable people living in the four major cities (G4) up to 31 December 2012;

(b) Fully joined-up partnership between all parties and institutions concerned. This comprehensive approach will be reflected at both the administrative and the practical levels.

75. After the local elections in March 2006 the new councils in all four major cities incorporated the Plan into their programme. Each city has a member of its executive with specific responsibility for the implementation of the Plan.

76. In 2006 the city councils got down to work translating the Plan to their own situation. Certain elements are already in operation, including Shelters in the Community Central Access Points in three of the G4 cities.

#### **A one-stop shop for enrolment and intake**

*Each city will have a one-stop shop for the registration of clients and their intake procedure. The Hague is merging the front offices of its Shelters in the Community Central Access Point and Social Affairs and Employment Projects Service. The new Central Coordination Point will be responsible for intake procedures, indications, care referrals, registration and monitoring. The front office is the beginning of the chain, a place where people can go with their queries about accommodation and benefits.*

*Source: Hou-vast Bulletin, published for the Social Vulnerability Programme of The Hague City Council's Education, Culture and Welfare Service (not available in English).*

77. The most important benefit to the cities will be that they can decide for themselves which services covered by the Exceptional Medical Expenses Act should be made available to the target group. The Hague has already agreed this with the care administration office. The other cities will do so in the course of 2007. They have already decided how they are to spend half of their budget for contracting services under the legislation. This means that €15 million worth of services have been commissioned. Examples include an extra 291 places in sheltered housing and 230 places in supported housing in Rotterdam. The Hague hopes to create another 152 places in sheltered housing and 226 in supported housing.

78. Local authorities have made extra investments in debt counselling services. The Hague, for example, will create extra capacity at its municipal lending bank (Gemeentelijke Kredietbank) to offer people with uncontrollable debts help with stabilizing their situation. The scheme will apply to 170 people eligible for community shelter and drug addiction services. Kredietbank Rotterdam has set up a special team for the Plan's target group.

79. In all four cities the Plan appears to have boosted existing policy, allowing it to be implemented faster and on a larger scale. All other regional authorities for shelters have been invited to draw up similar plans, with the help of the Government and the Association of Netherlands Municipalities. The aim is for all such authorities to have such a plan in place by 1 April 2008. They will be funded on the same basis as the G4's plans.

#### **J. Trafficking in persons**

80. The Committee urged the Netherlands to continue and strengthen its efforts to combat the problems of trafficking in persons and the commercial sexual exploitation of women and children, and requested the Netherlands to provide in its next periodic report detailed information on the progress achieved and difficulties encountered in the implementation of the National Action Plan to Combat Trafficking in Human Beings.

81. The Committee has received the Additional Measures to the National Action Plan to Combat Trafficking in Human Beings in the answer to the additional questions. The Committee asked for information on the main results achieved and the difficulties encountered in implementing the Action Plan.

82. After the Action Plan and Additional Measures were adopted in December 2004 and February 2006, respectively, many action points were implemented swiftly by all implementation agencies and government departments concerned. The focus of many of the measures is on setting up good coordination structures, improving operational collaboration between the many different services involved in the fight against human trafficking, protecting victims and providing better information on human trafficking. Some of the specific achievements are described briefly below.

83. The Expertise Centre for Human Trafficking and People Smuggling was launched on 18 May 2005. The centre is a partnership between the National Crime Squad (National Police Services Agency (KLPD)), the National Criminal Intelligence Service (KLPD), the Royal Military and Border Police (Koninklijke Marechaussee), the Immigration and Naturalization Service and the Social Security Information and Investigation Service, and acts as a central point for gathering, combining, refining and analysing information on and knowledge of people smuggling and human trafficking and making it accessible to investigation services. The Centre is responsible, among other things, for providing operational and strategic analysis and information services to all partners in the system, with a view to identifying connections and aiding detection. It also provides training for various investigation services and partners in the fight against human trafficking.

84. A national public prosecutor for human trafficking has been appointed, with the task of overseeing the human trafficking cases being investigated by the National Crime Squad. The national public prosecutor is also responsible for coordinating the investigation and prosecution of human trafficking. Each public prosecutor's office has one prosecutor who acts as the human trafficking liaison. They attend national portfolio holders' meetings at the Public Prosecution Service to exchange knowledge, expertise and information and identify problem areas.

85. Human trafficking and people smuggling have been designated one of the six national priorities in the investigation and prosecution of organized crime.

86. The Public Prosecution Service's Board of Procurators General has issued instructions on human trafficking that came into effect on 1 April 2006, containing policy rules on the enforcement of the criminal law in cases of human trafficking and other forms of exploitation. In January 2006 a broad-based public information campaign was conducted on the subject of forced prostitution.

87. The services involved have compiled a checklist for identifying victims of human trafficking. The aim is to provide a user-friendly system for people who come into contact with victims to enable them to identify them at the earliest possible stage.

88. The National Information Unit on Child Prostitution (LIJ) was launched in February 2005 with broad responsibilities in the field of child prostitution. It has been given the task of getting the issue onto the political agenda, acting as an information point, gathering facts and figures, identifying best practice and elements suitable for an integrated approach, and advising on a multi-year strategy.

89. Like other countries, the Netherlands also faces the challenge of combating trafficking in people. Some of the particular challenges facing the Netherlands are examined in more detail below.

90. In accordance with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention on Transnational Organized Crime, forms of exploitation other than sexual exploitation have been criminal offences under the Dutch Criminal Code since 2005. In order for such forms of human trafficking for work or other services to be tackled under criminal law, we need more information about the scale and nature of the problem, as well as partnership agreements between the different services involved. Several studies have now been conducted into the nature and scale of the problem, and agreed procedures have been laid down in the Public Prosecution Service's human trafficking instructions issued by the Board of Procurators General. It is expected therefore that more cases will be brought before the criminal courts in the future.

91. Policymakers and operational services will have to remain constantly on the alert for new criminal trends, particularly in association with technological developments. Use of the Internet and mobile telephones allows the victims of human trafficking to remain better hidden, and investigation services will have to respond adequately to this challenge.

92. The general ban on brothels was lifted in October 2000. As a result, it is no longer a criminal offence to run a sex establishment where adult prostitutes work of their own free will, provided certain conditions are met. The first evaluation of the new policy in 2001 concluded that this sector cannot be reformed overnight. The evaluation showed that most local authorities had not completed the licensing process and were still organizing supervision and enforcement in this recently legalized sector. The report of the second evaluation of the lifting of the ban on brothels will be published in 2007. It will present the results of three studies:

- (a) Banned brothels: evaluation of lifting of the ban on brothels: illegal prostitution;
- (b) Evaluation of lifting of the ban on brothels: local authority policy;
- (c) Evaluation of lifting of the ban on brothels: social status of prostitutes in 2006.

The fifth report of the National Rapporteur on Trafficking in Human Beings is also due in mid-2007.

93. In February 2007 the Dutch Government announced that the sexual services sector would be monitored more closely and laws against human trafficking, money laundering and other illegal and criminal activities enforced more strictly. Special protection and care will be provided for victims and women wishing to leave the industry. The Government will draw up its official

response in consultation with other parties involved (Public Prosecution Service, police, local authorities and NGOs), taking into account the results of the second evaluation of the lifting of the ban on brothels and the findings of the National Rapporteur on Trafficking in Human Beings.

94. The Government is drafting a framework act on prostitution that will require municipal permits for various businesses in the sex industry such as brothels and escort services. The act will allow municipalities to choose a “zero option” (banning such businesses altogether), and compel municipalities that do issue permits to enforce the requirements more carefully. The justice system will also take more stringent measures against criminal abuses in the industry, especially in cases of threats, intimidation and human trafficking. The possibility is being explored of making clients criminally liable in cases of illegal prostitution and other abuses. The Ministries of the Interior and Justice will submit this bill to the House of Representatives in the course of 2008.

95. Since the campaign against human trafficking was stepped up several years ago, there has been a rise in the number of investigations, prosecutions and trials for this offence. Much work has also gone into improving support for victims and providing better information for all those involved in combating human trafficking. A summary of the fourth report of the National Rapporteur on Trafficking in Human Beings, which contains statistical information on various aspects of human trafficking in the Netherlands, is enclosed (appendix III). The fifth report of the National Rapporteur on Trafficking in Human Beings was presented to the Government in June 2007.

96. The Government of the Netherlands presented in June 2007 its Policy Programme 2007-2011. New policy initiatives will be taken to combat organized crime. Trafficking of human beings will be one of the priority areas. The main focus will be to strengthen the integrated multidisciplinary cooperation between all involved services in the areas of prevention, repression and international cooperation.

### **K. Domestic violence**

97. The Committee urged the Netherlands to adopt specific legislation on domestic violence. It also urged the Netherlands to strengthen social, psychological and legal measures taken within the framework of the domestic violence strategy programme (Private Violence, Public Issue). It invited the Netherlands to provide in its next report disaggregated data on the number of incidents of domestic violence reported to the police.

98. The scale of domestic violence in the Netherlands is no greater than in other countries. Domestic violence will never be completely eradicated; the best one can hope for is to reduce it as far as possible with a proactive approach. The Netherlands has in place an extensive programme of measures, with a range of actions (see previous report). A renewed approach to domestic violence will also be introduced, treating it as a public safety issue.

99. The Dutch Government does not believe that separate legislation is needed on domestic violence, as there is already enough legislation pertaining to this issue. This includes the following.

### **Criminal law**

100. Domestic violence is covered by general criminal law provisions. All kinds of violence, including abuse, grievous bodily harm, manslaughter or murder, unlawful entry, criminal damage, rape and sexual assault, are criminal offences, irrespective of whether they take place in the public or private sphere. Only criminal damage and theft are not regarded as criminal offences when they occur within marriage. When a husband and wife are legally separated, prosecution is possible only after a complaint has been made. Furthermore, when common assault and grievous bodily harm take place within marriage, the punishment can be increased by one third of the maximum penalty. Simple assault carries a maximum sentence of three years and grievous bodily harm four years.

101. Since 1 February 2006 the police have had powers to arrest domestic violence suspects even if they are not caught red-handed, provided they have "a reasonable suspicion of guilt". This represents a major turnaround. In the past, perpetrators of domestic violence could be apprehended and detained only if they were discovered in flagrante delicto or if the victim reported the offence.

### **Civil law**

102. When someone has committed an unlawful act, it is possible to bring interim injunction proceedings against him/her and apply for a restraining order. Restraining orders are useful in situations where a woman has filed for divorce and the man continues to be violent and infringe on her privacy.

103. An amendment to Book 1 of the Civil Code (bill banning violence in the raising of children) is due to enter into force in spring 2007. From that point on, paragraph 2 of article 247 will bar parents from using psychological or physical violence or any other form of degrading treatment in bringing up their children.

### **Administrative law**

104. The Government has introduced separate legislation to allow temporary restraining orders to be imposed on perpetrators of domestic violence where there is an acute danger to the victim and any children involved. The restraining order, which would apply for 10 days, could be issued by the police by order of the mayor. It could be reviewed by a court within three days. The court would have the option of withdrawing or upholding the restraining order or extending it to a maximum of four weeks. It should also be possible to issue restraining orders in cases of child abuse. Immediately after issuing a restraining order a counselling process will be instituted for those involved. A bill to this effect will come into force in 2008. A procedure to develop training and the necessary tools for all professionals concerned has already been launched.

### **Statistics**

105. Unfortunately, no new figures have become available on domestic violence since the previous report. A major public survey will be held in 2008, which should produce more reliable figures on domestic violence.

### **Private Violence, Public Issue**

106. The Government policy document “ Private Violence, Public Issue”, published in April 2002, has led to an Action Programme on Domestic Violence, which was launched in 2002 and is due to run until 2008. The programme includes extra resources to tackle this problem. The main developments to date have been:

- The 35 regional authorities for women’s shelters have set up a domestic violence advisory and support desk.
- The women’s shelter sector is implementing a plan to streamline intake procedures and increase security, subsidized by the Ministry of Health, Welfare and Sport. A risk-screening instrument specially developed for the purpose has been implemented in the first quarter of 2007.
- An action plan for improving the quality of women’s shelters will be submitted to the House of Representatives by autumn 2007.
- The specific budget for women’s shelters has been raised by €4 million up to 2007 to allow an increase in capacity.
- The website [www.huiselijkgeweld.nl](http://www.huiselijkgeweld.nl) was transformed in 2005 into the definitive digital portal for information on tackling domestic violence. The site drew 216,511 visitors between 9 August and 31 December 2005.
- A bill proposing temporary restraining orders for perpetrators of domestic violence was introduced in the House of Representatives in August 2006.
- The implementation procedure for the temporary restraining order bill was launched in October 2005; the instruments and training courses developed will be tested by three local authorities from February 2007.
- New legislation banning the use of violence in the raising of children entered into force in April 2007.
- A handy guide to helping children who witness domestic violence (*Kindsporen*) was published in early 2007.
- The proportion of domestic violence cases reported rose to 40 per cent in 2005, and the proportion of arrests to 60 per cent.
- A national public education campaign against domestic violence, introducing a national hotline and a special website, was launched in April 2007. The national hotline and the special website will remain in force for five years.
- It has been decided that the next phase of the Action Programme on Domestic Violence should continue to the end of the new Government’s period in office.

**Table 7**

**Resources available for the Action Programme on Domestic Violence in 2006/2007**

**2006-2007 budget (in euros)**

	2006	2007
Available from Ministry of Justice	2 350 000	3 350 000
Association of Netherlands Municipalities programme	500 000	100 000
National support desk	350 000	450 000
Implementation of restraining orders	250 000	200 000
Frictional costs of restraining orders (incl. evaluation in 2007)	1 000 000	2 000 000
Child Prostitution Info Unit	100 000	100 000
Implementation of measures prompted by case study of honour crimes	50 000	50 000
Study/monitoring of measures to tackle domestic violence/development of tools	100 000	150 000
Available from Ministry of Health, Welfare and Sport	7 600 000	9 000 000
Extra capacity at women's shelters	3 200 000	4 000 000
Temporary incentive scheme for domestic violence advisory and support desks	2 400 000	3 000 000
National Centre of Expertise on Sexual and Domestic Violence and Gender-specific Care (TransAct)	1 600 000	1 600 000
Innovation, research and monitoring	400 000	400 000
Available from Ministry of Social Affairs and Employment	1 750 000	1 500 000
Equal rights grants scheme	1 500 000	1 500 000
Theme: "Rights and security"		
National population survey on domestic violence	200 000	
Survey of extent to which sexual and domestic violence covered in professional training	50 000	

107. A new Government took office in the Netherlands on 22 February 2007. The coalition agreement states that rigorous measures to tackle domestic violence will continue. As a result, the Private Violence, Public Issue programme, which was due to end on 31 December 2007, will be extended and stepped up. The emphasis will be both on consolidating the results achieved over the past few years and on responding to new developments. For example, extra attention will be focused on prevention and early identification of domestic violence. Furthermore, policy will focus on taking away obstacles with respect to exchange of information between professionals in the field of domestic violence.

108. A report was recently published (in Dutch) on what the police, Public Prosecution Service and local authorities are doing to tackle domestic violence. The study showed that, though there have been major developments in this area in recent years, much remains to be done to optimize the approach and, above all, to guarantee continuity. Over the coming period, measures will be devised in consultation with stakeholders.

## **L. Child pornography and sexual exploitation of children**

109. The Committee recommended that the Netherlands continue to strengthen its efforts to combat child pornography and the sexual exploitation of children.

110. Trafficking in children, child prostitution and child pornography are criminal offences under Dutch law. Sexual abuse and the sexual exploitation of children are criminal offences under articles 240b, 242-250 and 273a of the Criminal Code. Under Dutch sexual offences legislation, the age of sexual majority is 16. A minimum age of 18 applies in the case of sexual contact under specific circumstances, such as abuse of power or trust, or sexual exploitation in the form of prostitution. A partial amendment to the sexual offences legislation criminalizing child pornography and the exploitation of persons for sexual services other than prostitution entered into force on 1 October 2002. The minimum age in the case of child pornography has been raised to 18.

111. The Netherlands has a National Action Plan to Combat Trafficking in Human Beings, and Additional Measures to the National Action Plan. The latter, in particular, focus on preventing and combating child prostitution. A number of measures have been introduced to this effect:

(a) The NGO Ecpat has trained police officers specializing in human trafficking to sensitize them to possible signs of child prostitution;

(b) The human trafficking checklist, which is used both by the police and by other partners in the criminal justice system, has been adapted to include child prostitution;

(c) Ways of improving the registration of child prostitution are currently being considered. The human trafficking checklist, particularly the part referring to child prostitution, is also being used in this context, to raise the awareness of the criminal justice partners concerned;

(d) A National Information Unit on Child Prostitution has been launched using subsidies from the Ministry of Justice and the Ministry of Health, Welfare and Sport. The Unit gathers and disseminates information on local policy, prevention activities, assistance, etc. Ways of safeguarding this function in the future are currently being considered;

(e) The Ministry of Justice subsidizes ad hoc education projects for schools on “loverboys: (who lure girls into prostitution)”;

(f) In terms of the investigation and prosecution of cases involving minor victims, we can report that the new human trafficking instructions for the Public Prosecution Service, like the old version, stipulate that cases involving children should be regarded as a priority. The new instructions also point out that minor victims should be interviewed by specially trained and qualified officials;

(g) Finally, initiatives are afoot to improve the strategy on and registration of missing unaccompanied minor asylum-seekers, and to improve the identification of potential victims of human trafficking at reception centres.

112. The Minister of Justice recently signed the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse in Lanzarote, Spain. Under article 20, paragraph 1 (f), of the Convention, the parties commit themselves to making “knowingly obtaining access” to child pornography a criminal offence. This provision is new at the international level; it was included in the Convention after an extensive discussion initiated by the Netherlands on whether making “possession” of child pornography a criminal offence is still sufficiently adapted to modern methods of obtaining access to child pornography on the Internet. This new provision implies that obtaining access to child pornography will be made a criminal offence even when the material is not stored on the perpetrator’s computer, which is a necessary condition for “possession”. The Minister of Justice plans to tighten article 240b of the Dutch Criminal Code accordingly as part of the process of ratifying and implementing the Council of Europe Convention. Legislation to this purpose is now being drafted. Incidentally, an evaluation by the Verwey-Jonker Institute of the partial revision of Dutch sexual offences legislation found no problems with investigation of such acts. Nevertheless, the tightening of article 240b of the Criminal Code is aimed at extending the scope of investigations.

#### **M. A Healthier Life 2004-2007**

113. The Committee invited the State party to provide information in its next periodic report on the implementation of the plan entitled “A Healthier Life 2004-2007”.

114. The Government policy document, now entitled “Living longer in good health”, was the first to focus emphatically on three main issues: smoking, obesity and diabetes. It was also the first to base measures on different “settings” (home, school, work, local community, etc.). Action plans have been drafted and implemented for all three main issues.

(a) Smoking. During the period under review, the Tobacco Act 2002 was implemented. Tobacco advertising has been banned; it is now illegal to sell tobacco to people under the age of 16 and smoking in public places has also been banned. Smoke-free workplaces were introduced on 1 January 2004 and smoke-free public transport on 1 January 2005. Self-regulation has been agreed with pubs, clubs and restaurants for the phased introduction of smoke-free environments in the hospitality industry. Though the number of smokers has fallen slightly over the period under review, the targets have not yet been achieved;

(b) Obesity. A voluntary agreement has been reached with a wide range of participants, mainly from the private sector. Initiatives have been taken in various quarters to improve diets (lower fat contents, healthy fatty acid consumption, more vegetables and fruit). The latest policy document on sport was the first to include a chapter on exercise and a plan of action for exercise and sport has been produced, with ambitious targets for exercise;

(c) Diabetes. A programme has been developed to improve integrated multidisciplinary care in order to bring greater cohesion to preventive care, treatment and the processing of medical data.

115. During the period covered by the plan, most of the attention of the Ministry of Health, Welfare and Sport and the entire health-care profession has been focused on a major operation to reform the health insurance system. Though the disease prevention activities listed in the policy document have been overshadowed by this major operation, a sound basis has nevertheless been laid for current disease prevention activities to be taken up with renewed vigour and for the possibility of redefining them as curative care and thus transferring them to the basic health insurance package to be investigated.

#### **N. Health-care services**

116. The Committee encouraged the State party to continue in its efforts to reduce the waiting time for the receipt of health-care services.

117. Additional funding has been used to tackle waiting lists. See the information provided under article 12. At this moment waiting lists are not in general considered to be problematic. The additional funding seems to have significantly reduced the problem.

#### **O. Allowance for contraception**

118. The Committee urged the State party to reconsider continuing the allowance for contraception under the National Health Service for women over the age of 21.

119. The coalition agreement of February 2007 states that the contraceptive pill will be reinstated in the basic health insurance package for women over the age of 21.

#### **P. Dissemination of concluding observations**

120. The Committee requested the Netherlands to disseminate the concluding observations widely among all levels of society, particularly among government officials and judicial authorities, and to inform the Committee of all steps taken to implement them in its next periodic report. It also encouraged the Netherlands to engage non-governmental organizations and other members of civil society in the process of discussion at national level prior to the submission of its next periodic report.

121. The Netherlands has undertaken various efforts to distribute the concluding observations, especially among government officials. The concluding observations were also distributed to Parliament. The present report outlines the specific policy measures that were introduced in response to the topics put forward in the concluding observations.

#### **Q. Core document**

122. The Committee invited the Netherlands to update its core document in accordance with the requirements of the common core document in the harmonized guidelines on reporting, recently approved by the international human rights treaty bodies.

123. The Netherlands is considering updating its core document in the near future.

### III. IMPLEMENTATION OF SPECIFIC RIGHTS

#### Article 2

##### Non-discrimination

124. During the discussion of the third periodic report the Netherlands was asked to explain how successful the Equal Treatment Act has been in combating discrimination. The Committee also wanted information on organizations representing ethnic minority groups, other than the Turkish Community Advisory Association (IOT) and the Moroccan and Tunisian Alliance (SMT), which have been engaged in promoting equal treatment.

125. To determine the success of the Equal Treatment Act in tackling discrimination, the Ministry of the Interior and Kingdom Relations commissioned a second evaluation of the legislation. One of the questions addressed in the evaluation was: is the Equal Treatment Act sufficiently well known, accessible and effective? This key issue was examined on the basis of the four questions below.

126. Survey question 1

*To what extent does equal treatment legislation provide an adequate basis for members of the public to find out about and exercise their rights and comply with their obligations?*

Answer:

Equal treatment legislation fails to provide an adequate basis for members of the public to find out about and exercise their rights and comply with their obligations.

127. Survey question 2

*How can the public be made more aware of equal treatment legislation?*

Answer:

Ways in which the general public can be made more aware of equal treatment legislation include more information on television and greater coverage of equal treatment in schools. The success of these measures depends in part on the public's interest in equal treatment legislation and willingness to receive more information on this subject. Dutch people from an ethnic minority background generally have a greater desire for information about the Equal Treatment Act than other Dutch people.

128. Survey question 3

*To what extent does equal treatment legislation provide an adequate basis for professionals to implement and enforce the law effectively?*

Answer:

Equal treatment legislation provides a reasonably good basis for professionals to implement and enforce the law effectively. In practice, however, they have difficulty applying the concepts of direct and indirect discrimination. Professionals find the findings of the Equal Treatment Commission more problematic than the Act itself.

129. Survey question 4

*How and to what extent do professionals deal with cases of unequal treatment in practice and what is the role of equal treatment legislation in this respect?*

Answer:

(a) Complaint professionals (such as anti-discrimination agencies, lawyers and staff working for special interest groups) regularly take action in cases of unequal treatment. The emphasis is on an informal approach. Equal treatment legislation plays an important but not a central role;

(b) Implementation professionals (such as human resources managers and trade union officials) take little if any independent action in cases of unequal treatment. Equal treatment legislation generally plays only a subordinate role in such cases.

130. The Dutch Government is now formulating its response to the results of the evaluation. An English summary of the evaluation of the Equal Treatment Act is enclosed (appendix IV).

### **National Ethnic Minorities Consultative Committee**

131. The Ministry of Social Affairs and Employment involves the National Ethnic Minorities Consultative Committee (Landelijk Overleg Minderheden, LOM) in the development of policy to improve the status of ethnic minorities. Combating discrimination and fostering equal treatment are both key elements of this policy. The following organizations are represented in the LOM:

- Chinese Community Advisory Association (Inspraakorgaan Chinezen, IOC)
- Turkish Community Advisory Association (Inspraakorgaan Turken, IOT)
- National Consultative Committee for the Welfare of Moluccans (Landelijk Overlegorgaan Welzijn Molukkers, LOWM)
- Lize, which represents people from Southern Europe
- Dutch Caribbean Community Consultative Committee (Overlegorgaan Caribische Nederlanders, OCaN)
- Surinamese Community Advisory Association (Surinaams Inspraak Orgaan, SIO)

- Moroccan and Tunisian Alliance (Samenwerkingsverband van Marokkanen en Tunesiers, SMT)
- Vluchtelingen Organisaties Nederland (VON), which represents refugee organizations

## Article 7

### Minimum wage

132. In the Netherlands the minimum wage is laid down by law and may not be deviated from by collective agreement of the social partners. It is therefore an effective baseline for the labour market. The lowest wages agreed by employers and labour unions in collective labour agreements are usually higher than the minimum wage.

133. Anyone who is lawfully resident in the Netherlands and who has insufficient means to support himself is entitled to a guaranteed minimum income under the Work and Social Assistance Act (WWB). These benefits are linked to the minimum wage. The Netherlands has one of the highest minimum wages in the European Union. The statutory minimum wage and the Dutch social security system provide sufficient income to guarantee a decent standard of living.

134. The minimum wage is indexed twice a year to the average percentage wage increase in the public and private sectors, calculated by the Netherlands Bureau for Economic Policy Analysis (Centraal Planbureau, CPB). The indexation of the minimum wage to average wage developments in the public and private sectors may be reconsidered or suspended if it has a negative impact on employment or if it would mean social security expenditure rising to such an extent that a substantial rise in social security premiums or taxes would be inevitable. These grounds for reconsideration have been translated into a single indexation criterion known as the “inactivity ratio”. If the inactivity ratio calculated by the CPB rises above a certain limit, indexation will be suspended. The Government may change the limit (though Parliament must be informed).

135. Some employers pay less than the minimum wage to keep down the costs of running their business. In so doing, they are contravening the Minimum Wage and Minimum Holiday Allowance Act. At present, such cases can only be brought before a civil court. The Labour Inspectorate can launch an investigation in response to a tip-off or report of underpayment. It will report its findings to stakeholders, including the unions, who may then decide to bring a civil case against the employer. The Government also plans to introduce administrative fines for failure to comply with the Minimum Wage and Minimum Holiday Allowance Act. The Labour Inspectorate, which is currently responsible for investigating such cases under the Act, is developing a more active monitoring policy. The advantage for employees is that they no longer have to resort to the courts themselves to receive the pay due to them.

136. This measure was introduced after the above figures were announced in 2001. The Ministry of Social Affairs and Employment has also improved communication on the minimum wage, in an attempt to ensure that employers and employees are better informed of their statutory rights and obligations in this respect. The attention of the social partners (trade unions and employers’ associations) has also been drawn to the number of employees receiving less than the

minimum wage, so that they too can take action via their grass-roots members. The Labour Inspectorate's last survey showed that the measures are having an effect. Figures for 2004 show a fall in the percentage of underpaid workers to 0.6 per cent (36,000 employees).

### **Working Hours Act**

137. The Working Hours Act stipulates a number of exceptions to the ban on child labour:

- (a) Work as part of an alternative sanction imposed by a court, performed by a child aged 12 or over, provided this work is not performed during school hours;
- (b) Light, non-industrial auxiliary work performed by a child aged 13 or over, provided it is not performed during school hours;
- (c) Light work performed by a child aged 14 or over, provided it is performed alongside and in connection with its education;
- (d) The delivery of morning newspapers by children aged 15 or over, provided this does not take place during school hours.

138. The exceptions specify only what work may be performed from what age, and the fact that the work may not be performed during school hours. Further details are laid down in the Detailed Child Labour Regulations (referred to below as the NRK). The NRK contain instructions on how frequently children may work, their maximum daily and weekly working hours, their minimum daily and weekly rest periods, breaks, coaching and supervision, as well as defining in more detail the kind of work children may perform.

139. The Regulations also define "light, non-industrial auxiliary work" as work that is performed in a non-industrial setting, and consists solely of lending a helping hand.

140. Children aged 15 and over may perform "light, non-industrial work". In determining whether work is "light" and "non-industrial", the actual activities concerned and the setting in which they take place are taken into consideration.

141. As regards "light work" the NRK stipulate that:

- (a) Work that is too heavy, dangerous or damaging to health is not permitted;
- (b) Dangerous work is at any rate taken to mean work with or on machines that can cause injuries in the form of lacerations or crushing;
- (c) Work that is damaging to health is at any rate taken to mean work:
  - (i) Which entails the possibility that a child may come into contact with hazardous substances;
  - (ii) Whereby the child would have to wear protective equipment and clothing;

(d) It is at any rate forbidden for children to work at a checkout, on an assembly line or in a warehouse, loading or unloading trucks, for example.

142. The lower working hours and rest period regulations, which include the regulations pertaining to child labour, will be amended as part of the review of the Working Hours Act. The revised legislation will enter into force on 1 April 2007.

### **Equal pay**

143. Equal pay regulations have officially been in force since the introduction of the Equal Treatment (Men and Women) Act and the Act of 20 March 1975.

144. There are no examples of court cases in the Netherlands, since the Equal Treatment Commission issues non-binding findings. As a result of the Personal Data Protection Act, we have no information on findings by the Equal Treatment Commission that have given rise to court cases. The Netherlands is therefore unable to give any information regarding cases where both the Commission and a court reached the same conclusion. (If desired, copies of recent findings by the Equal Treatment Commission or by the courts can be furnished, though not for cases dealt with by both.)

145. The Labour Inspectorate and Statistics Netherlands published two reports on equal pay in 2006. The Statistics Netherlands report *Beloningsverschillen verklaard?* (Pay Differences Explained?), which examines the pay inequalities between native Dutch and ethnic minority workers in the public sector, was submitted to the House of Representatives in June 2006. The Labour Inspectorate report *De arbeidsmarktpositie van werknemers in 2004* (The Labour Market Status of Employees in 2004) was sent to the House in October. This report presents a cross-section of pay differentials between men and women, full-timers and part-timers in the public and private sectors, permanent and temporary employees, and native Dutch and ethnic minority workers in the private sector.

146. A number of trends over time were highlighted in chapter 3 of the last report. They show that pay differentials between men and women have fallen from 22 per cent (uncorrected, 2002 figure) to 21 per cent (2004 figure), and remained at 7 per cent (corrected). In the public sector the pay differentials between men and women have fallen from 15 per cent (uncorrected, 2002 figure) to 14 per cent (2004 figure), and risen slightly from 3 per cent (corrected, 2002) to 4 per cent (2004). The rise was caused by a rounding off of the percentages.

147. The uncorrected differentials can partly be explained by differences in job level, training and number of years of service. The corrected differential cannot yet be fully explained. Though it may be due to pay discrimination, other factors may also be involved. The public sector encourages equal pay through:

(a) Consultation with the social partners (in the spring and autumn rounds of talks, for example);

(b) Development of instruments such as the gender-neutral job evaluation manual, the equal pay quick scan, the equal pay checklist and the equal pay management tool;

(c) Research. The Equal Treatment Commission has developed a simulation programme to analyse pay systems using a grant from the Ministry of Social Affairs and Employment. This equal pay quick scan can be used to make a quick and efficient evaluation of whether further research is required. This allows pay systems and pay policies to be screened on a large scale to identify discriminatory factors, without creating long waiting times or delays. A “light” version of the quick scan has also been developed;

(d) An equal pay task force in which all relevant organizations, such as employers’ organizations, trade unions, the Dutch Association of Personnel Officers and the Equal Treatment Commission, participate; and

(e) The provision of information (the Ministry of Social Affairs and Employment has compiled various brochures and reports on equal treatment and equal pay, which can also be found on the Internet).

148. The Equal Treatment Commission employs a broad interpretation of the term “same undertaking” in section 7 of the Equal Treatment (Men and Women) Act and finds the existing provision adequate. The Equal Treatment Commission interprets section 1b of the Equal Treatment (Men and Women) Act very broadly. Whenever a relationship of authority concerning work (in the broad sense of the word: see article 7:646 and 7:647 of the Dutch Civil Code) is established and a dispute arises regarding appropriate pay, the Commission is competent to take cognizance of the claim and apply sections 7-9 of the Equal Treatment Act.

149. The findings of the Equal Treatment Commission are not binding. Nevertheless, in 80 per cent of all cases its findings are complied with. In the event that the findings are disregarded, the complainant may apply to a court citing the Commission’s findings. The court will take them into consideration. The judgement of the court may differ from the findings of the Equal Treatment Commission, though no specific cases can be cited where this has actually happened.

### **Wages paid in the State party to nationals of new member States of the European Union**

150. No specific data are available on the underpayment of workers from the new EU member States. However, the Labour Inspectorate’s experience of performing inspections under the Foreign Nationals (Employment) Act is that some workers from the new member States are being underpaid (below the collectively bargained or minimum wage). Underpaid workers currently only have recourse to the civil courts to enforce their right to the minimum wage. The Labour Inspectorate can launch an investigation in response to a tip-off or report of underpayment. It will report its findings to stakeholders, including the unions, who may then decide to bring a civil case against the employer.

151. When the Netherlands’ borders are opened to workers from Central and Eastern Europe, the Minimum Wage Act will be enforced under administrative law. The Labour Inspectorate will be able to impose a fine of up to €6,700 per instance on underpaying employers. It will also be able to order employers to pay the wages owing to employees, under threat of penalty payments. There will then be no need for employees to bring their case to court.

### **Equal pay for equal work**

152. The Government has an Equal Pay Action Plan, which was presented to the House of Representatives on 8 May 2000. It calls upon the Government, employers and employees to live up to their responsibility to ensure equal pay. The following policy measures were implemented between 2003 and 2006:

- (a) The Labour Foundation's Equal Pay Checklist from 2001 was updated in January 2006;
- (b) The guidelines for gender-neutral job rating systems were evaluated in 2003. The House of Representatives was informed of the fact in the fourth Progress Report on Equal Pay of 2004. The evaluation found that the vast majority of organizations with a job rating system used the tool, and were satisfied with it;
- (c) The Equal Pay Quick Scan, which the Equal Treatment Commission uses to identify pay differentials within companies, was introduced at the end of 2003;
- (d) In 2005 and 2006 the Labour Inspectorate ran a project using the simplified version of the Equal Pay Quick Scan to establish whether it could use it to identify pay differentials. It was found that, though the Labour Inspectorate could use this tool to identify pay differentials, the decision as to whether they were justified had to be left to the Equal Treatment Commission or the courts;
- (e) The microstudy on equal pay was submitted to the House of Representatives in 2003. The study was used as a basis for the development of the Equal Pay Management Tool, a comparative tool that can be used to identify pay inequalities. After completion of the paper version in 2005, a digital version was made available in early 2006. It has been broadly distributed via [szw.nl](http://szw.nl), [gelijkloon.nl](http://gelijkloon.nl) and all employers' and employees' associations;
- (f) A working group entitled Equal Pay Works! was set up in December 2005, with members representing all employers' and employees' associations, the Equal Treatment Commission, NVMedezeggenschap (an organization dedicated to promoting participation) and the national association of personnel management and organization development. The working group is chaired by Paulien Osse, Director of Wage Indicator (Loonwijzer). Its task is to raise awareness of the complex issue of pay differentials and, in January 2007 (when its mandate runs out), to make recommendations to the Government. The working group has arranged the following activities in collaboration with the Ministry of Social Affairs and Employment:
  - (i) Paid negotiation training for employees;
  - (ii) Collective labour agreement seminars for employers and employees;

- (iii) A meeting on job rating for human resources managers;
- (iv) The *gelijkloon.nl* website, where all relevant information on equal pay has been compiled;
- (v) *Postbus gelijkloon*, where anyone can submit queries concerning equal pay;
- (vi) The first Equal Pay Day in the Netherlands (on 24 October 2006);

(g) The Labour Inspectorate conducted its two-yearly surveys in 2004 and 2006, and submitted the resulting reports to the House;

(h) In 2006 Statistics Netherlands conducted a study of pay differentials between ethnic Dutch and ethnic minority workers in the public sector. The report of the study was published in summer 2006;

(i) The Trade Union Confederation FNV was awarded a grant in late 2006 to fund the CLOSE project, which is researching sectoral pay differentials. The project is looking at “weak” sectors, such as health care, and “strong” sectors, such as banking;

(j) Over the entire period the Ministry of Social Affairs and Employment has conducted an active education policy to raise awareness of the issue of equal pay via the Internet, advertisements, brochures and other media.

### **Working hours**

153. The Working Hours Act (ATW), which entered into force on 1 January 1996, remained largely unchanged through the entire period under review. The section on the ATW in the previous report therefore remains applicable.

154. The following changes were made to the legislation over the period under review:

(a) On 1 September 2004 administrative fines were incorporated into the Working Hours Act. As a result, the Labour Inspectorate has been able to enforce the legislation more effectively;

(b) On 1 June 2006, an amendment to the Working Hours Decree came into effect in order to comply with European Court of Justice judgements pertaining to time spent on call (*Simap* (c-398-98) and *Jaeger* (c-151/02)).

155. On 21 April 2006 the Government introduced, in the House of Representatives, a bill amending the Working Hours Act (Parliamentary Papers II, 2005-2006 session, 30 532, Nos. 1-3). The bill was designed to simplify the existing rules, giving employers and employees more scope for tailor-made agreements concerning working hours and rest periods,

while still maintaining adequate protection of the health, welfare and safety of employees. The bill was passed by the House of Representatives on 3 October 2006 and by the Senate on 28 November 2006. The amended legislation will enter into force on 1 April 2007.

### **The new Working Conditions Act**

156. The Working Conditions Act (*Arbeidsomstandighedenwet*) was amended as of 1 January 2007. The new legislation, which replaces the Working Conditions Act 1998, gives employers and employees more scope to comply with the legislation as they see fit. The advantage of this is that organizations can now run a health and safety policy that takes account of specific circumstances in their sector. A building firm is not the same as a hospital, after all. The “one size fits all” approach has therefore given way to tailor-made policies, put together in consultation with staff, which therefore enjoy more support in the organization. This also minimizes the administrative burden.

157. The Government provides the legislative framework, shorn of unnecessary rules and regulations, and involving minimum administration. Employers and employees agree how they will comply with the conditions set by the Government, and record the various methods and solutions they have agreed on in a “health and safety catalogue”. A catalogue may, for example, include a description of techniques and methods, best practice, standards and practical guides.

158. The Labour Inspectorate remains responsible for enforcement, and for monitoring whether employers and employees are complying with the legislation. Any abuses are dealt with rigorously. The old fines under the Working Conditions Act have now been doubled.

159. In brief, the new Working Conditions Act is designed to produce:

- (a) Better health and safety in the workplace;
- (b) More support for health and safety policy in the company;
- (c) More tailor-made solutions;
- (d) Closer alignment with European legislation;
- (e) Fewer detailed rules and a reduced administrative burden for companies;
- (f) A different role for the Labour Inspectorate, responding to more information on health and safety focal points and areas requiring the most preventive measures;
- (g) Fewer rules and less administration for voluntary organizations, while still retaining statutory protection from the most serious risks.

The legislation will be evaluated regularly.

## Article 8

### Structure of trade unions in the Netherlands

160. In 2006 the main trade unions in the Netherlands were all affiliated to one of the following three trade union federations: Trade Union Confederation FNV with approximately 1,171,000 members; National Federation of Christian Trade Unions (CNV) with approximately 342,000 members; Federation of Managerial and Staff Unions (MHP) with approximately 161,000 members.

161. The following trade unions are affiliated to the FNV:

- FNV Bondgenoten (465,000 members) a broad-based union, representing workers in several sectors
- AbvaKabo (365,000) for public sector workers
- FNV Bouw (150,000) for the construction industry
- FNV KIEM (46,500) for the arts, publishing and media
- Algemene OnderwijsBond (74,000) for the education sector
- FNV Horecabond (27,500) for the hospitality sector and several other smaller unions

162. The main unions affiliated to the CNV are:

- CNV Bedrijvenbond (90,000), broad-based, representing workers in several sectors
- CNV Publieke Zaak (79,000) for the public sector
- CNV Dienstenbond for the services industry
- Houten Bouwbond CNV for the construction industry

163. The MHP is an umbrella organization representing several other umbrella organizations:

- The Union of Independent Trade Associations (UOV) (94,000)
- Federation of Middle and Senior Management Unions (MHP) (61,000)
- The Professional Association of Bankers and Insurers (BBV) (3,000)

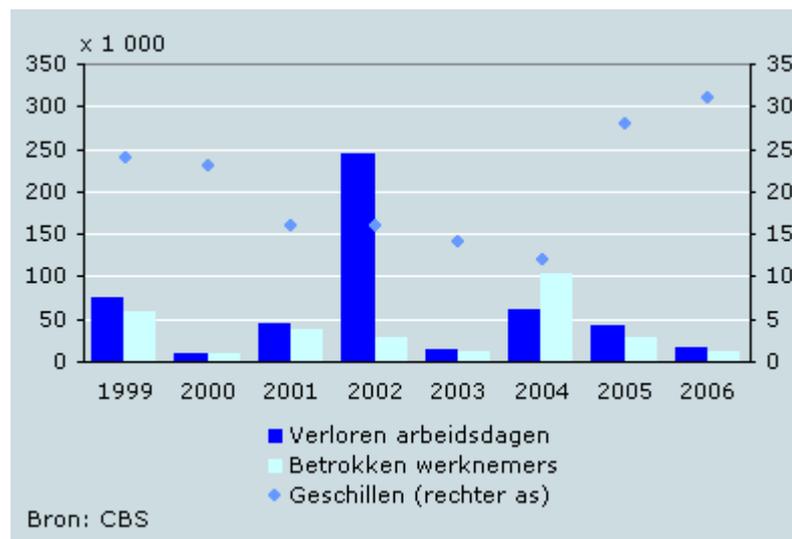
164. A number of other trade unions exist alongside these three confederations, all targeting small groups of workers, such as the VVMC rail union. There are also unions founded on an ideological basis, including the strictly Protestant RMU and GMV unions. The small LBV union represents all sectors and has no political affiliation. The unions not affiliated to the “big three” represent an estimated 192,000 members in total.

## Labour disputes

165. In 2006 there were 31 labour disputes that led to strike action, the highest figure since 1989. However, there was no major industrial unrest, and the strikes involved a total of just 11,000 workers. In 2005, 29,000 workers were involved in strike action, and in 2004, 104,000.

**Figure 2**

### Working days lost, number of workers and disputes



Verloren arbeidsdagen = Working days lost  
 Betrokken werknemers = No. of workers involved  
 Geschillen (rechter as) = Disputes (righthand axis)

*Source:* Statistics Netherlands.

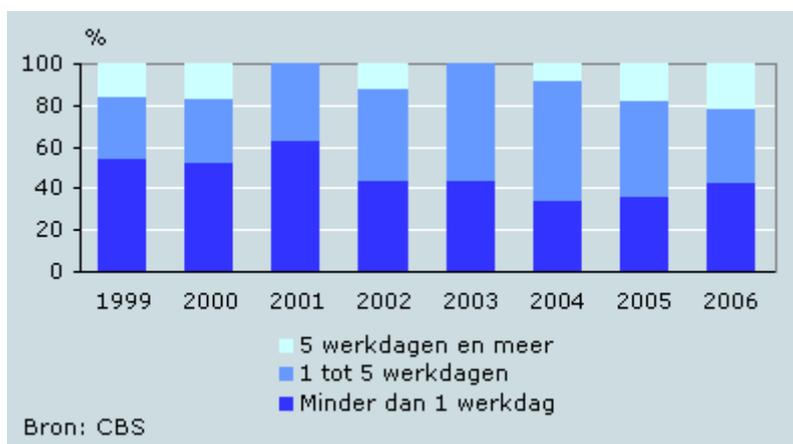
### Fall in number of working days lost

166. The number of days lost to industrial action in 2006 - 16,000 - was considerably lower than the figure for previous years. The number of working days lost fluctuates strongly: while 9,000 were lost in 2000, no fewer than 245,000 were lost in 2002. The vast majority of working days lost to industrial action in 2002 was accounted for by a strike in the construction industry.

### Majority of strikes last less than a day

167. In 13 disputes, strike action lasted less than a day, while in 7 others strikes lasted for five working days or longer. There were several long-lasting strikes, though these involved only a few workers. This kept down the number of working days lost.

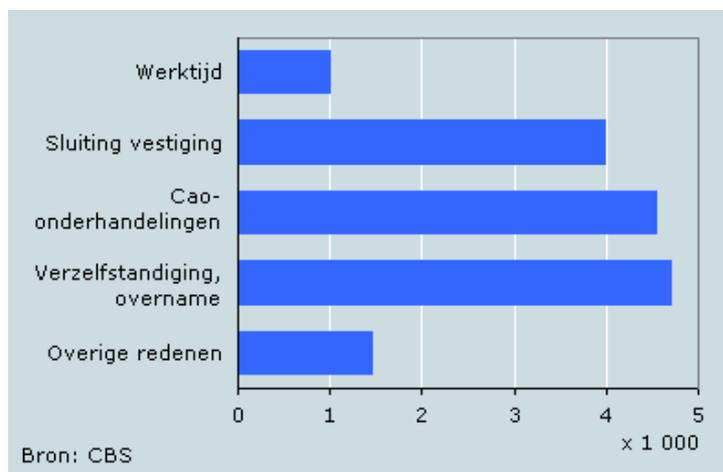
**Figure 3**  
**Disputes by length of strike**



5 werkdagen en meer = 5 working days or more  
 1 tot 5 werkdagen = 1 to 5 working days  
 Minder dan 1 werkdag = Less than 1 working day

*Source:* Statistics Netherlands.

**Figure 5**  
**Lost working days by reason for dispute**



Werktijd = Working hours  
 Sluiting vestiging = Closure  
 Cao-onderhandelingen = Collective bargaining  
 Verzelfstandiging, overname = Privatization, takeover  
 Overige redenen = Other  
 x 1.000 = x 1,000

*Source:* Statistics Netherlands.

### **Disputes over range of issues**

168. Most working days were lost in disputes over privatization or possible takeovers, or over collective bargaining. These two issues accounted for some 4,500 lost days. Strikes over closures accounted for 4,000 days.

### **Most days lost in transport and communications**

169. Over half the working days lost were in the transport and communications sector (8,300), mainly over disputes in bus and tram companies, related to issues including working hours, aggressive behaviour towards staff, privatization and dissatisfaction with management. The industrial sector came second, with 6,300 lost working days. There, disputes mainly concerned reorganizations and job losses due to closures or relocation of production.

## **Article 9**

### **Maternity leave benefits**

170. During the discussion of the third periodic report the Netherlands was asked to provide information on the measures it intends to adopt and implement in order to ensure that self-employed women have access to maternity leave benefits, given that private insurance contracts do not cover the first two years following the conclusion of such contracts.

171. The Netherlands is awaiting a court judgement on this matter. An appeal in cassation is currently before the Supreme Court regarding the waiting period applied by insurance companies. It is not known when the Supreme Court will issue its judgement.

172. On 28 April 2006 the Equal Treatment Commission issued recommendations advising the Minister of Social Affairs and Employment to introduce insurance coverage - with no exclusions, waiting times or extra premiums - to guarantee self-employed women an adequate income during pregnancy and maternity leave. The scheme could be governed by either public or private law. Since the FNV trade union federation launched legal proceedings against the State concerning the same matter in January 2006, this issue is sub judice, and the Ministry of Social Affairs and Employment therefore regards it as inappropriate to respond to the substance of the Equal Treatment Commission's recommendations. These proceedings are also ongoing. A judgement is not expected until summer 2007.

### **Pensions**

173. The year 2006 was dominated by preparations for the introduction of the Pensions Act (*Pensioenwet*, PW) on 1 January 2007 and the adaptation of almost all pension schemes in the Netherlands to bring them in line with the Early Retirement/Pre-Pension (Adjustment of Tax Treatment) and Life-Course Savings Scheme Act (*Wet aanpassing fiscale behandeling VUT/prepensioen en introductie levenslooptegeling*, VPL), which now makes it less attractive, fiscally speaking, to retire early.

174. Changes to the social security system included the replacement of the Invalidity Insurance Act (WAO) by the Work and Income (Capacity for Work) Act (WIA). Since the introduction of the WIA, the question of what can be regarded as a (supplementary) invalidity pension has been the subject of debate, since some pension schemes commonly include cover for certain shortfalls in statutory invalidity schemes, in order to prevent members who are incapacitated for work from declining to a lower level of benefit after a time.

175. On 1 January 2007 the Pension and Savings Fund Act 1952 was replaced by the Pensions Act. The aim of the new legislation is the same as that of the law it replaced: to safeguard funds reserved to cover pension commitments. The key feature of the new legislation is improved transparency through better information and communication, and improved relations between employer, employee and pension fund.

176. Occupational pension schemes are always based on the principle of collectivity and solidarity. The latter means, among other things, that no distinction may be drawn on the basis of age or health status, and that men and women and full-timers and part-timers must be treated equally. Government involvement is in principle limited to cases where employees move to another employer before retiring. Since the 1970s protection has also been extended to other groups.

177. *Equal treatment of spouses/registered partners and non-registered cohabiting partners.* The Pensions Act contains more provisions pertaining to the substance of pension schemes than the Pension and Savings Schemes Act. It stipulates, for example, that if the pension scheme includes a surviving dependant's pension for the employee's unmarried cohabiting partner, the same rights and obligations apply as in determining the pension of a spouse or registered partner. The pension for the cohabiting partner may not for instance be insured on a risk basis if that of a spouse or registered partner is insured on an accrual basis.

178. *Equal treatment of married and single employees.* The Pensions Act also includes a statutory right to trade in a surviving dependant's pension for extra old-age pension. This allows the surviving dependant's pension to be cashed in by retired employees with no dependants.

179. *Equal treatment of men and women.* The law now also stipulates that pension commitments to men and women must result in the same payout. Men and women must also pay the same average contributions, i.e. the same proportion of their salary. Research has shown that the existing rule of equal payments for men and women has not necessarily led to the introduction of national gender-neutral tariffs or life expectancy tables. This information is important for the calculation of the scale of pension commitments.

180. Since 1 January 2005 defined contribution pensions have been the same for men and women.

181. Since 1999 it has been illegal to defer financing of pension commitments.

182. *Other.* Finally, the Pensions Act also contains rules guaranteeing equal treatment whether a pension agreement has been entered into or not, equal treatment in the matter of surcharges, the application of gender-neutral tariffs when entitlements are transferred in the event that an individual leaves the scheme, and a ban on commutation.

183. *Member participation and pension fund governance.* A pension scheme is part of the terms and conditions of employment and, as such, the responsibility of both employer and employee. But retired employees also have a stake in the way a pension fund is managed. The Pensions Act includes a provision concerning the pension fund manager's duty to guarantee good pension fund governance. This means that he can at any rate be held accountable by those entitled to and receiving pensions and by the employer. Good governance also means that there must be internal supervision. This statutory requirement has been fleshed out in the Principles of Good Pension Fund Governance which the Labour Foundation (*Stichting van de Arbeid, STAR*) presented to the Ministry of Social Affairs and Employment in December 2005.

184. Under the more detailed arrangements on Pension Fund Governance that CSO (*Coördinatieorgaan Samenwerkende Ouderenorganisaties*, the umbrella organization of associations for the elderly) and STAR agreed in December 2005, the evaluation of their second covenant on member participation has been postponed by a year. It will now take place in 2008. The covenant is designed to give pension fund members more say in the form of a members' council or places on the board for pension recipients.

185. In December 2006 the social partners represented by STAR and the CSO signed a joint declaration of intent setting out specific proposals for enhancing the expertise of board members, members' councils and accountability boards.

186. *Occupational Pension Scheme (Obligatory Participation) Act.* The Occupational Pension Scheme (Obligatory Participation) Act (*Wet verplichte beroepspensioenregeling*), which entered into force on 1 January 2006, contains both provisions concerning obligatory participation, and substantive and supervisory provisions pertaining to obligatory occupational pension schemes. The legislation can also be regarded as a pensions act for self-employed professionals.

187. *National Pensions Strategy Report 2005.* For further information on supplementary pensions, please see the *2005 National Strategy Report on Adequate and Sustainable Pensions: the Netherlands* to the European Commission (see appendix VII). The report states that the Dutch system of pensions meets all 11 pension provision objectives of the European Council. The Dutch pension system offers all people aged 65 and over an adequate income, is affordable in the long term and is well prepared for future social trends such as demographic ageing, the growing labour market participation of women and part-time work.

### **Social assistance**

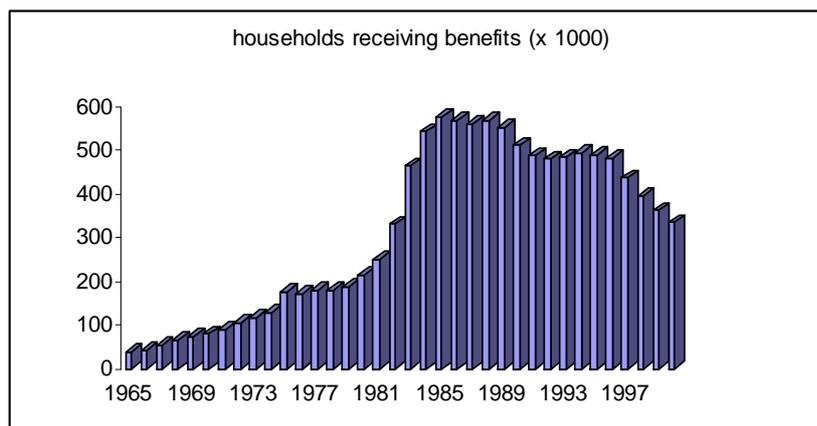
188. A paper evaluating the Work and Social Assistance Act (*Wet Werk en Bijstand*) has been enclosed with this report (appendix V). The introduction reads as follows:

How do we keep social security affordable for society and available to those who really need it? How do we achieve a healthy balance across the population between those who are able to earn their own income and those who are not, and who therefore need benefits? These are crucial questions that are difficult to answer. We want to keep social security available to those who are unable to work for reasons of age, health, skill level, etc. But in recent times the balance in the Netherlands and neighbouring countries has been disturbed, with too many people on social security and too few working. If this process were allowed to continue, it would pose an economic "risk" to society (see chart 1). Something had to be

done. And if we wanted to avoid the unsavoury task of reducing every benefit, the goal had to be different. We needed to check whether current social security recipients or those applying for benefits could in fact earn an income or could work again after some training, and that is what we are doing now. The policy is strict in order to be fair to those who really need help.

**Figure 6**

**Households receiving benefits 1965-2000**



189. Over the last few years the Dutch Government has implemented a comprehensive reform of the country's social security system. The central aim is to introduce a more activating social security system to ensure both sustainable public finances and adequate collective provision.

190. This paper is about the changes in the Ministry's benefits policy, and in particular the new Work and Social Assistance Act, the WWB. Contacts with colleagues from neighbouring countries like Sweden and the United Kingdom have made it clear that we are often dealing with the same problems and challenges in the field of social policy and welfare. This means we could learn from each other's experiences, and this is the reason for sharing our experiences here.

191. The benefits available under the new Act are the last resort for those who have no other means of support. The only people who can apply are those who have no job or capital assets, and do not live with a partner or parents who have sufficient income. People who have lost their job can apply for benefits under the Unemployment Insurance Act (WW) or, if they are disabled, through the Work and Income (Capacity for Work) Act (WIA). Unemployment benefit is subject to time limits but benefits paid under the WIA are not. The WWB is the overall safety net in the social security system. People over the age of 65 are entitled to the State pension under the General Old-Age Pensions Act (AOW) and also, in most cases, to occupational pension benefits. Peer review participants will be supplied during the meeting with a brochure entitled *A short survey of Social Security in the Netherlands* for more information about the system as a whole.

192. How many households with members under the age of 65 receive benefits at the moment? About 302,000 households are currently on benefits (December 2006). Most of the recipients of benefits are singles and single parents (84 per cent). A significant proportion of recipients have been on benefits for more than one year (82 per cent).

193. To illustrate the effects of the Work and Social Assistance Act and the application of the social assistance scheme, a number of practical examples are given below.

**Linking of databases for the Reimbursement of Exceptional Expenses Scheme**  
(*Tegemoetkomingsregeling Buitengewone Uitgaven, TBU*)

Under the TBU scheme, single people and families with high health-care costs and low incomes receive a financial allowance for exceptional expenses that are not fully reimbursed by the tax authorities. The TBU is only awarded to people who submit tax returns. However, many people in the target group were not used to submitting tax returns or were put off by the red tape. Until 2005, only 10 per cent of the target group took advantage of the TBU, which caused the Government to reconsider its approach.

The new approach was designed in consultation with representatives of the target group. Their recommendations were:

- Specify how much money can be refunded to make it clear that submitting a tax return pays
- Address the target group directly, since general information is less effective
- Fill in the tax return as fully as possible beforehand so that the applicant is not asked to give details that are already available
- Simplify the form by asking no more questions than necessary and by presenting them in a logical order
- Where possible, specify the actual maximum amount deductible for each type of expense

By linking databases, it was possible to determine which residents of the Netherlands might be eligible for the TBU scheme on the basis of their income, the health insurance premium they paid and their personal contribution under the Exceptional Medical Expenses Act. At the end of 2005, 400,000 simplified tax return forms were sent out with an accompanying letter. The tax authorities hoped for a response rate of 25 per cent; the campaign in fact achieved a rate of 62.5 per cent.

A customer satisfaction survey revealed that the most pleasing feature for the target group was the fact that the form was already largely completed and that it was clear what other costs could be deducted.

*Source:* Tax and Customs Administration.

### **Simple application procedures**

194. To supplement general national income policy, local authorities provide a customized service, which includes individual social assistance. The statutory framework of the WWB

allows local authorities to simplify the application procedures for local schemes such as these benefits. For example, local authorities can carry out post facto spot checks to ascertain the validity of special expenses for which they have awarded a payment from the funds for social assistance. Since the existing statutory framework offers local authorities sufficient opportunities to provide easy-access services, there is no need to expand the range of payments that local authorities can make to specific categories of applicants. That might undermine national income policy and obscure the importance of providing customized solutions.

#### **Debureaucratization in Houten**

Anyone who is entitled to social assistance should receive it quickly and without fuss. This was the idea behind Houten local authority's decision to introduce an express application procedure for the most common categories of this form of benefit. Applicants who have paid for their dentures to be repaired, for their toddler to attend playgroup or for school equipment for their children can receive their money within 10 minutes. All they do is tick the item that was purchased on a form and say what it cost, enclose the receipt, sign the form, and they're done. Within 10 minutes the applicant has a decision and the money is transferred. The sole restriction is that the procedure applies only to people already known to the local authority, in other words people who are receiving social assistance or who have applied for additional benefits within the last year. The municipal executive and council have already decided that each category of expense on the form is essential and the applicant no longer has to prove this to be the case. Since the applicants are known to the social services, there is also no need to carry out an income assessment.

*Source: Stimulansz, Municipal Poverty Policy (2006), West Brabant Municipal Health Service.*

195. The Government also wants to streamline income-related schemes, particularly for health care, children and housing, through the General Means-tested Allowances Act (AWIR). This should lead to greater transparency for the public, lower implementation costs and a more effective approach to the poverty trap. The allowances will in future be administered by a single agency (the Tax and Customs Administration). Consequently, more people entitled under the schemes are expected to actually use them. Childcare allowances, housing benefit and care allowances have fallen under the AWIR since 2006. From 2009 the educational expenses allowance (WTOS) will be integrated into the child tax credit. Housing associations, health insurers, local authorities and childcare institutions were among those consulted during the drafting of the AWIR.

196. In July 2006, the Senate passed a bill giving local authorities greater power to grant a special allowance to people who receive a minimum level of benefits. The allowance is intended for people aged between 23 and 65 who have been living on benefits for longer than five years and have no chance of securing a job. The amendment allows the local authorities to grant an allowance even if the beneficiary has very briefly earned a small income. It is up to local authorities to decide whether a person is entitled to the allowance in such a situation. The allowance amounts to between €300 and €500 a year depending on the family situation.

## Help with application procedures

197. Various local authorities provide help for claimants in applying for benefits. One method is the use of “form brigades”.

### **The Amsterdam Form Brigade**

Many people don't know precisely what they are entitled to or believe they are not eligible for housing benefit or exemption from municipal water charges. Almost every district in Amsterdam has a “form brigade” to help them. The teams, with 100 members in all, inform residents in their district of their rights and help them to complete all sorts of forms, whether it's an application for a wheelchair, a tax return, a registration form for group health insurance, or a request for an exemption from a municipal charge or for reimbursement of study costs. The teams completed more than 27,400 forms for 24,000 Amsterdam residents in 2005.

Most form brigade members have themselves been unemployed and living on benefits for a long time. After receiving training, and under the supervision of a coach, they learn on the job how to work together and how to deal with unusual situations. Every year more than 20 per cent of them move on to a paid job.

So the members of the form brigade are not only helping other residents of Amsterdam to complete forms, but are also improving their own job prospects. The help provided by the form brigade also benefits the organizations that issue the forms, since they are completed accurately and fully and can therefore be processed quickly, which makes everyone happy.

*Source:* Amsterdam City Council.

## Work and Social Assistance Score Card (WBB Kernkaart)

198. The Score Card gives an overview of the performance of all Dutch local authorities on seven themes and 13 indicators which, individually and in combination, give an impression of the implementation of the Work and Social Assistance Act (WWB). The Score Card is a tool that councils can use to manage the implementation of the Work and Social Assistance Act on the basis of results, though it can also help the municipal executive and the local client council to provide advice on potential improvements in the quality of implementation. For comparative purposes, the local authorities are divided into eight groups with similar population sizes. The results of each individual authority are compared with the average results for municipalities of the same size. The local authority can, however, choose its own reference municipalities for comparison, such as local authorities in the same region or with a similar labour market.

199. The Score Card is based on the data that the local authorities supply to Statistics Netherlands (CBS) for the compilation of WWB-related statistics (on benefits, reintegration, debtors and fraud). Since the Score Card contains information about the results of implementation in 2004 and 2005, local authorities can also monitor whether their performances have improved or not. The Score Card presents only the facts and does not offer any explanation or assessment of the results achieved.

## Article 10

### Young people and families

200. In 2006 several advisory reports were published on the effect both of youth policy in the broad sense, and of youth care services in particular, including a report by the Government-appointed Commissioner for Youth Policy, Steven van Eijck. These advisory reports, and the Government's response to them, were submitted to the House of Representatives in July 2006. The Government's response included the announcement of an improvement agenda for youth care. The new Government that took office in February 2007 has drafted a Youth and Families Programme on the basis of the reports and other sources.

201. Since the new Government took office, the Netherlands has for the first time had a Minister for Youth and Families. His task is to ensure that children have a good start in life. Families provide an excellent basis, and it will be up to the Minister to coordinate policies concerning young people, families, education and work. These policies are currently the responsibility of several ministries.

202. The new Government's coalition agreement devotes a great deal of attention to young people and the families in which they grow up. The Government believes that the family is a valuable institution. It is there that children are raised, offered security and taught essential values. Parents must have enough time, resources and skills for these important tasks. The Government plans to pursue family-friendly policies over the coming years.

203. An income-related allowance per child will be introduced in 2008, incorporating the current child tax credit. Additional funding will be made available in phases. Single-income families looking after chronically ill or disabled children or foster children will also be given financial support.

204. Parents must be able to combine work and family, earning and parenting. It must be possible for them to take time out in the "rush-hour of life". The statutory right to parental leave will therefore be extended from 13 to 26 weeks per employee, and will not be transferable.

205. Lone parents on social assistance with children below the age of 5 will no longer be obliged to seek work, for a maximum period of six years. They will, however, be obliged to attend training, to prepare them for work thereafter. A scheme will be introduced that makes part-time work more attractive for lone parents who are obliged to seek work. The possibility of introducing a maternity benefit scheme for self-employed women and women working in their partner's business is being considered.

206. Regulations governing childcare, playgroups, and preschool and early-years education, including financial support for parents, will be harmonized. The key aims will be to reduce segregation in childcare/playgroups, raise standards and ensure preschool and early-years education ties in better with the first year of primary school. Schools will retain the option of having a reception class. This should produce a comprehensive system in which children with language difficulties can be identified and helped at an early stage.

207. Youth and Family Centres will be opened to provide medical, social and educational support for parents and children. Such centres will at any rate provide baby and toddler clinics, parenting support and family coaching. The organization of youth care services will be simplified and integrated at central Government level. Waiting lists will be tackled, and the caseload of family supervisors will be further reduced.
208. It must be possible to place children from problem families under a supervision order at an earlier stage. Legislation will be brought before parliament allowing children's judges to impose less rigorous measures such as compulsory parenting support at an early stage, before there is any serious threat to the child's development. Parents will be made legally liable for any damage caused by their minor children.
209. The impact of divorce on children will be considered. The passage of a bill to promote shared parenting and responsible divorce will continue.
210. There are plans to allow young people to complete a three-month period of community service during their time at school to allow them to become better acquainted with society. Consultations will be held with the education sector and other stakeholders to decide what precise form this should take and how it should be organized.
211. Electronic child files will be introduced in the Netherlands by 2009. Young people up to the age of 27 will be obliged to attend a programme combining work and study. If they fail to do so, they may have their benefits withdrawn.
212. For information regarding the implementation in the Netherlands of the Convention on the Rights of the Child, see the second periodic report of the Netherlands on the implementation of the Convention (CRC/C/117/Add.1, March 2002) and the National Plan of Action for Children on the implementation of the outcome document "A world fit for children" of the United Nations special session on children (The Hague, September 2004).
213. For facts and figures about the Dutch population under the age of 25 and about specific aspects of Dutch youth policy, visit the following websites: Netherlands Youth Institute at [www.youthpolicy.nl](http://www.youthpolicy.nl) (in English), which has a range of fact sheets and brochures on childcare, early-years education, parenting support, youth care and youth participation; Statistics Netherlands at [www.cbs.nl/en-GB](http://www.cbs.nl/en-GB) (in English), which has a wealth of facts and figures on young people.
214. On 1 January 2006 a total of 3,580,000 children (aged 0-17) lived in the Netherlands, out of a total population of 16,340,000. Children thus account for 22 per cent of the population.
215. In social and demographic terms, families will change less in the future than was forecast in the 1970s and 1980s. The majority of people have children, and this will continue to be the case in the foreseeable future.
216. Most children in the Netherlands live with two parents. The number of lone parent families is rising, however, accounting for almost 18 per cent of all families on 1 January 2005. Most

lone parents are women, though more and more fathers are raising children alone. The number of non-Western single mothers is also on the increase, particularly in the Antillean and Surinamese communities. More than half of Antillean children and some 40 per cent of Surinamese children grow up in a single parent family.

217. There are several reasons for the rise in the number of single parent families, divorce being the most important. Break-ups between unmarried couples are another important factor. The number of divorces was stable for a long time, but has recently begun to rise again. More than one in four marriages now ends in divorce. Around 60 per cent of divorces involve children. This means that 35,000 children experience divorce each year. Another 18,000 children are involved in the breakdown of unmarried partnerships. It is estimated that 25 per cent of these children will eventually lose contact with one of their parents. See also appendix VI.

### **Parenting support and developmental stimulation**

218. The Alcohol and Parenting project, which was launched in December 2006, aims to advise and support parents in preventing the consumption of alcohol by young children. The Trimbos Institute is implementing the project in collaboration with the Netherlands Institute for Health Promotion and Disease Prevention (NIGZ). In 2006 the focus of the project was a mass media campaign (radio, TV, posters) and the development of information material for parents. From 2007 to 2009, the emphasis will shift towards providing more practical (and direct) advice to parents.

## **Article 11**

### **Right to food**

219. The Government strives to ensure that safe, sustainably produced food is available in the Netherlands. The country is a net exporter of food and food products, and the amount of food available greatly exceeds domestic demand. Food imports to the Netherlands are generally initiated by demand for tropical produce (e.g. coffee, cocoa, tropical fruits) and shortages of particular foods due to the climate or season. Price considerations may also play a role. Furthermore, the Netherlands has a broad system of social security to support the less well-off, which ensures they can meet their basic needs, including the purchase of food. Recently, private initiatives have been launched to further assist people dependent on social security by providing low-priced food to specific target groups.

220. The Dutch Government brought the importance of the right to food to the attention of a wide audience at a 2006 seminar on the subject at Wageningen University and Research Centre, and during the national activities to mark World Food Day last year. Recently the Government supported a workshop that explored the similarities and differences between the concept of food sovereignty and the right to food.

### **Government policies on food production**

221. The Netherlands is one of the smallest and most densely populated countries in the world, so the pressure on its rural areas is considerable. People live, work and enjoy recreational pursuits in the countryside. Rural space is used for agricultural production and transport, while at

the same time efforts are being made to preserve valuable nature areas and unique landscapes for future generations. A balance must continually be struck between the various functions of rural areas.

222. In view of the ample supply of food, which more than meets domestic demand, government action focuses chiefly on the safety and quality of the food available, and the impact of food production on the environment and on patterns of consumption. Government action is increasingly determined by the policies and legislation of the European Union.

223. One major development in relation to food safety has been the adoption by EU of the General Food Law Regulation, containing important provisions on matters such as the traceability of foodstuffs. Enforcement of food safety rules in the Netherlands is the responsibility of the Food and Consumer Product Safety Authority (VWA).

224. Growing emphasis is being placed on the food industry's responsibility to ensure the quality of its products. Legal controls on product characteristics other than basic quality requirements are being reduced. Here too, new and existing EU legislation is having a growing impact on matters such as organic farming, geographical indications, designations of origin and traditional speciality guarantees.

225. Farming in the Netherlands is increasingly subject to controls designed to protect the environment, working conditions, animal welfare and food safety. Once again, these developments are also taking place in an EU context. Regulations on the use of fertilizers and pesticides have had a particularly heavy impact on farming methods, which have been adapted to take full account of environmental concerns.

226. Measures to integrate agriculture and environmental protection are also being promoted. The aim is to modify farming methods so that they are not only productive, but also serve environmental objectives such as the protection of endangered plant and animal species, sustainable water management and land use. If this means that farmers incur extra costs, they may in certain circumstances be eligible for compensation.

227. Policies on the growing of genetically modified crops are characterized by a certain degree of caution. Research and development work on new varieties is being encouraged, but the introduction of genetically modified varieties into the environment is subject to stringent licensing controls. Where the sale of genetically modified foods is concerned, the policy is to give consumers the greatest possible freedom of choice, by means of public information campaigns and labelling.

### **Equitable distribution of world food supplies**

228. The Netherlands' development agenda is based on the Millennium Development Goals. Efforts in respect of the distribution of world food supplies focus, among other things, on:

(a) Strengthening the capacity of developing countries to analyse, monitor and address the food insecurity of vulnerable groups;

(b) Financing food aid targeted at vulnerable groups;

(c) Helping developing countries take advantage of the opportunities offered by trade liberalization.

229. In May 2001 the Netherlands embarked on a partnership programme with FAO aimed at strengthening the organization's capacity to assist developing countries in the fields of food security, agrobiodiversity and forestry. The partnership continued over the period 2004-2007. As regards food security, the programme strengthens the capacity of the organization to assist developing countries in analysing, monitoring and addressing food insecurity and building local capacity. The annual financial contribution for food security is €3 million.

230. While financial contributions have been made available to NGOs active in the field of humanitarian assistance, the lion's share of Dutch food aid is made available to WFP through cash donations, in particular for food aid in the event of emergencies (EMOPs) and protracted crises and refugee situations (PRROs). The Netherlands has also contributed substantial sums to FAO operations in support of post-crisis rehabilitation. One important component of this is improving access to seeds and tools. Throughout the period, overall annual spending has fluctuated around €60 million. ICRC is also an important recipient of Dutch funding for humanitarian assistance (approximately €30 million a year), part of which is used for food aid interventions.

231. Since the Netherlands acknowledges that, by and large, food insecurity is a problem of food access rather than food availability, it gives priority to the provision of food aid based on local procurement. To make this possible, all food aid throughout the reporting period was made available on an untied basis. The Netherlands is convinced that this way of providing food aid is the key to ensuring equitable distribution of world food production and trade. It encourages local rural economies, increases income opportunities and reduces the risk of aid dependency.

232. To ensure equitable distribution of world food supplies and trade gains, the Netherlands actively supports developing countries in taking advantage of the opportunities offered by trade liberalization through World Summit for Social Development Partnerships on Market Access. These partnerships aim to help partner countries produce and export products that meet the quality requirements of the European market.

### **Information on nutrition**

233. The Netherlands Nutrition Centre, an organization financed by the Ministry of Agriculture, Nature and Food Quality and the Ministry of Health, Welfare and Sport, plays a leading role in providing information on nutrition. Healthy eating campaigns and projects focus on obesity prevention, balanced diets, food hygiene, allergies, fruit and vegetables, breastfeeding, fat consumption, etc.

234. The Netherlands has a monitoring system for the collection of data on the nutritional status of different groups in Dutch society and of the population as a whole. It is known as the Dutch

National Food Consumption Survey (*Voedselconsumptiepeiling*), financed by the Ministry of Health, Welfare and Sport and coordinated by the National Institute for Public Health and the Environment (RIVM). In 2003 a nutrition survey was conducted among young adults in the 19-30 age group. A survey of young children (2- to 6-year-olds) took place in 2005-2006. This year a survey has started among the general population between the ages of 7 and 69. Results from the surveys and other information are available on [www.voedselconsumptiepeiling.nl](http://www.voedselconsumptiepeiling.nl).

## Article 12

### Government expenditure on health care (key statistics and index figures)

235. The main characteristics of the Dutch health-care system are described in the third periodic report (E/1994/104/Add.30), article 12, paragraph 407. In addition, the table below gives an updated overview of total expenditure on health as a percentage of GDP. The figures relate to all three categories of health insurance in the Netherlands.

**Table 8**

#### Total expenditure on health as a percentage of GDP in the Netherlands

2001	2002	2003	2004
8.1%	8.7%	9.2%	9.2%

*Source:* RIVM, Dutch Health-Care Performance Report 2006, p. 139.

236. A total of €25.3 billion or 44 per cent of the entire amount was spent on health-care users aged 25-64. Costs for users over 65 totalled €23.3 billion or 41 per cent. For both sexes, age is still an important explanatory variable of health-care expenditure. The 30-50 age group is responsible for an annual average of €2,500 in health-care costs per capita. By age 65, the costs have increased to €5,000. The highest costs are incurred by those aged 95 and over, at €47,000 per capita.

237. The costs of treating major diseases differ from one age group to another. Among infants, treatment of perinatal disorders is very expensive. Important diseases among young and middle-aged male adults include mental retardation, caries, hearing impairment, schizophrenia, as well as the effects of alcohol and drug abuse. For young and middle-aged women, the costs of mental retardation and caries are high, while costs related to pregnancy, childbirth and gynaecological conditions are also considerable. Extra costs associated with old age are above all related to heart disease and cancer, followed by dementia. For more data on the costs of illness see [www.kostenvanziekten.nl](http://www.kostenvanziekten.nl).

### Child mortality

238. Infant mortality (deaths among live-born children in their first year of life) displays a similar trend to perinatal mortality (foetal death plus mortality in the first week of life) in the Netherlands. The Dutch under-five mortality rate is currently among the lowest in the European Union.

**Table 9**

**Infant mortality, deaths per 1,000 live births in the Netherlands**

1995	2000	2001	2002	2003	2004
5.5	5.1	5.4	5	4.8	4.4

*Source:* World Health Organization Health database, June 2006.

**Life expectancy**

239. In 2005 life expectancy at birth was 77.2 for men and 81.6 for women. The 4.4 year difference is caused mainly by the lower mortality rate among women over 60 than among men in the same age group. Life expectancy for men at age 65 was 16.4 years and 20 years for women (*Source:* National Public Health Compass, version 3.9, 1 March 2007). Dutch men's life expectancy at birth in 2001 was equal to the average in the 15 "old" EU member States, while the figure for women was significantly lower than the EU-15 average. Life expectancy among Dutch women was in fact lower than the average in the old and new EU member States together.

240. From 29 May 2004 to 30 August 2005 Hendrikje (Henny) van Andel-Schipper was the oldest person in the world (she died at the age of 115).

**Access to health care**

241. In the Netherlands, everyone is entitled to receive necessary medical treatment. Where people have health insurance, some or all of the costs of such treatment are covered by health insurance. Uninsured people must meet the costs themselves. Health-care providers who are unable to collect payment for necessary medical treatment provided to aliens with no legal right of residence in the Netherlands can apply for reimbursement from a special-purpose fund set up under the Benefit Entitlement (Residence Status) Act (*Koppelingswet*).

242. The Dutch health-care insurance system has three pillars:

- (a) Long-term nursing and care;
- (b) Curative care;
- (c) Supplementary (private) insurance.

243. The Health Insurance Act (formerly *Ziekenfondswet*, ZFW, currently *Zorgverzekeringswet*, ZVW), which came into force on 1 January 2006, provides insurance coverage for the costs of curative care, while the Exceptional Medical Expenses Act (*Algemene Wet Bijzondere Ziektekosten*, AWBZ) provides coverage for long-term nursing and care.

244. The entitlements that exist under the Exceptional Medical Expenses Act have been categorized in terms of six broadly defined medical functions. This creates considerable freedom

for arranging care in consultation with a care provider. As a result the focus is on the needs of people entitled to care rather than on the available supply of care. This change in emphasis is expected to pave the way for providing customized care. The need to switch from a supply-side to a demand-side approach was prompted by changes in society, as people have become more aware of and assertive about their rights, and their desire to organize their lives as they see fit has grown. Another basic principle of the Exceptional Medical Expenses Act is that people should continue to live at home for as long as possible. They can receive care either at home or in a health-care institution.

245. The services provided under the Health Insurance Act, in effect since 1 January 2006, are equivalent to the services under the former Health Insurance Fund Act (ZFW). However, the way in which they are offered and the supplier-customer matching process have changed. The Government will carry out regular reviews of the services provided under the Act to ensure that the legislation is still adequate and meets the needs of the population. This will involve assessing whether certain types of care need to be removed from or added to the package.

246. The new health-care system in the Netherlands has reduced direct Government involvement in the health services sector. Within frameworks defined by law that guarantee that certain standards are maintained, the health-care system now offers more freedom of choice for the customer, more decision-making latitude and greater incentives for suppliers to compete.

### **Vulnerable groups with respect to health care**

#### *Socio-economic health differences*

247. In Dutch society, considerable health differences exist according to socio-economic status (SES) as measured by education, income or job level. Poorly educated men and women live an average of 4.9 and 2.6 years less, respectively, than their more highly educated compatriots. The average difference in the number of healthy life years is as high as 15. The differences have not decreased over time. Health disadvantages also exist in other socio-economic groups, including the unemployed and disability benefit claimants.

#### *Causes of health differences in terms of risk factors and health selection*

248. People with low socio-economic status have poorer health partly because they face more health risks. They are more likely to have an unhealthy lifestyle, smoking and drinking more, eating less fruit and vegetables and taking less exercise than wealthier groups. Their physical circumstances (living and working conditions) are also often worse for their health. Lifestyle and physical circumstances have an impact on health differences both independently and in combination. Where the effects are combined, lifestyle must be regarded as a result of physical circumstances. However, health differences are also partly caused by health selection. Poor health may account for the fact that someone is in a low SES group, as he/she may, for example be unable to work. A proportion of the connection between SES and health remains unexplained, however.

*Government aims to reduce socio-economic health differences by 25 per cent*

249. The Dutch Government has set itself the goal of reducing existing socio-economic health differences by at least 25 per cent by 2020. It plans to do so by improving the health status of low SES groups, with interventions on several fronts. The Government has identified four focal points for its policy:

- (a) Reducing differences in education, income and socio-economic factors;
- (b) Reducing the negative impact of health problems on SES;
- (c) Reducing the negative impact of low SES on health by influencing health determinants;
- (d) Improving the accessibility and effectiveness of health-care services for low SES groups.

250. The Public Health Forecast 2006 (*Zorg voor gezondheid - de vierde Volksgezondheid Toekomst Verkenning (VTV)*) contains a large amount of up-to-date information on health, disease prevention and health care in the Netherlands. This information can also be found on the National Institute for Public Health and the Environment's (RIVM) National Public Health Compass website ([www.nationaalkompas.nl](http://www.nationaalkompas.nl)).

251. "Opting for a Healthy Life" (*Kiezen voor gezond leven*, [ww.minvws.nl/themes/prevention](http://ww.minvws.nl/themes/prevention)) is a national policy document setting out public health priorities for the period 2007-2010, in which the Government elaborates the action programme for implementation at local level. Local authorities, organizations and health professionals have primary responsibility for a significant proportion of Dutch disease prevention policy, within a framework set by central Government.

**Measures to improve the lives of children**

*Alcohol and young people*

252. Harmful alcohol use is not only a public health problem, it is also associated with aggression, crime, and public order and traffic safety issues. Seventy per cent of violence in pubs, clubs and on the streets at night occurs under the influence of alcohol. About a quarter of traffic accidents are the result of driving under the influence of alcohol, sometimes in combination with illegal drugs. Of all ill-health in the Netherlands, 4.5 per cent is the result of alcohol abuse. Alcohol consumption also causes a significant (2.5 per cent) reduction in quality of life.

253. Studies have shown that young people in the Netherlands have been drinking much more alcohol in recent years. Young Dutch people are now some of the most frequent alcohol consumers in Europe. This prompted the Dutch Minister of Health to draft a policy

memorandum, “Alcohol and Young People”, in 2005, setting out a balanced and coherent package of policy instruments that are expected to have a major impact on the problem. They include not only education and parenting support, but also more binding measures such as the regulation of alcohol marketing, higher excise duties and restrictions on availability.

254. “Opting for a Healthy Life”, which broadly outlines public health policy for the period 2007-2010, identifies “prevention of harmful alcohol use” as a new priority of Dutch public health policy. Among other things, more emphasis is to be placed on the role of local authorities.

*Anti-smoking measures - young people*

255. Smoking is declining among young people. The percentage of young people who do not smoke (have not smoked in the past four weeks) has increased over the past few years relative to 2002. In 2002, for example, 72 per cent of the entire group of 10- to 19-year-olds did not smoke. This figure had risen to 77 per cent by 2005 (*Source*: annual report of STIVORO, 2005, www.stivoro.nl). See also the table below.

**Table 10**

**Percentage of non-smokers among young people**

Age group	2002	2005	2006
10-14	89	93	94
15-19	55	61	63
10-19	72	77	79

256. STIVORO for a smoke-free future is an organization that provides information on preventing young people from taking up smoking, encouraging smokers to give up and protecting non-smokers from tobacco smoke. In 2006 it conducted various activities targeted at active and passive smoking among children and young people:

- A mass-media campaign targeting young people
- The Smoke-free School (smoke-free environments and teaching material on smoking)
- Antidote Campaign (non-smoking pacts in schools)
- “Don’t smoke in front of the kids” campaign
- “Children Copy” campaign
- Education campaigns targeted at pregnant women and their partners

*Tobacco Act and enforcement*

257. The Tobacco Act provides for, amongst other things:

- A ban on tobacco advertising and sponsorship (7 November 2002)
- A minimum age for purchasing tobacco products (16; 1 January 2003)
- Smoke-free workplaces (1 January 2004)
- Smoke-free public transport (1 January 2004)

Since November 2002 the Food and Consumer Product Safety Authority (*Voedsel en Waren Autoriteit, VWA*) has had the power to impose immediate fines, on behalf of the Ministry of Health, Welfare and Sport, for contraventions of the Tobacco Act. A study commissioned by VWA has found that the percentage of young people (below the age of 16) who purchase tobacco has reduced sharply over the past few years. In 1999 it was 26 per cent; by 2005 it had fallen to just 6 per cent. The purchasing index (based on purchasing attempts by youngsters and their chances of success as determined by the response of the vendor) fell during the same period from 23 per cent to 5 per cent.

**Health care**

*Disease prevention*

258. Since 2005, hepatitis B vaccinations have been routinely administered to children with one or both parents who were born in a country where this disease is highly prevalent or endemic. Children whose mothers are hepatitis B carriers are also vaccinated. In early 2005 the whole-cell whooping cough component of the DPTP-Hib vaccine was replaced by an acellular component. Vaccination against pneumococcus was incorporated into the vaccination programme in April 2006.

259. The Infectious Diseases Act (*Infectieziektenwet*) and the Public Health (Preventive Measures) Act (*Wet Collectieve Preventie Volksgezondheid*) give local authorities a key role in combating infectious disease. This local infrastructure functions well and is able to tackle approximately 90 per cent of infectious disease outbreaks and epidemics.

260. The Centre for Infectious Disease Control (*Centrum Infectieziektebestrijding, CIB*) was set up in 2005 to provide better coordination during crisis situations and to support local authorities in their regular disease prevention activities. The Centre, which is part of the National Institute for Public Health and the Environment (RIVM), also plays an important role in research and in advising the Minister on the control of infectious disease.

261. The Government is focusing increasingly on prevention. A national diabetes prevention programme has been launched with the aim of preventing the onset of and avoiding or postponing complications associated with diabetes.

262. The Netherlands has a number of Government-run programmes, coordinated by the RIVM Centre for National Screening Programmes (*Centrum voor Bevolkingsonderzoek*). They include national screening programmes for cervical cancer, breast cancer and hereditary hypercholesterolemia and screening of pregnant mothers (infectious diseases and erythrocyte immunization) and newborns (heel prick screening). The heel prick screening programme has been expanded as of 1 January 2007. Newborn babies are currently screened for 17 conditions. The Centre also coordinates prenatal screening for Down's syndrome. The Government aims to improve public health by focusing on the efficiency, quality and effectiveness of these national programmes.

*Curative medical assistance and care*

263. The Netherlands has a well-developed system of primary health care to which the public have direct access. Care is often provided by independent professionals such as family doctors, dentists, midwives and paramedics, as well as home-care organizations. Family doctors act as gatekeepers, referring patients where necessary to other health-care facilities such as hospitals. Family doctors deal with some 95 per cent of patients' care requests themselves.

264. Excessive workloads in the past have prompted the recent advent of emergency doctor services (*Huisartsenposten*) which provide care in the evening, at night and at the weekend. The care is supplied under the responsibility of the participating doctors. Other developments have included the introduction of nurse practitioners (usually nurses with a higher qualification), who support family doctors in caring for the chronically ill, in particular.

265. In response to a number of experiments, the law has been changed to allow patients direct access to physiotherapists. The aim in future is to provide integrated primary care at community level.

**Table 11**

**Practising physicians, density/1,000 head of population**

2000	2001	2002	2003	2004
3.2	3.3	3.4	3.5	3.6

*Source:* OECD Health Data 2006, 1st edition.

266. Most Dutch specialists are independent professionals who generally work in small partnerships. The trend for specialists to work in private clinics outside hospitals has also continued, partly as a result of the recent changes to the health-care system. Dutch hospitals are generally private, not-for-profit institutions.

267. Care for people with psychological disorders is an integral part of health care in the Netherlands. The Dutch health-care system includes a strong mental health-care element. A considerable proportion of total health expenditure goes to people with psychological disorders

and other mental health-care services (RIVM report entitled “*Gezondheid op koers*”, 2003), including facilities for treating drug addicts and alcoholics. As of January 2008, the funding of mental health care will fall under the Health Insurance Act (*Zorgverzekeringswet*), tying it in with the funding of curative somatic care. The funding system will be based on diagnosis-treatment combinations.

#### *Costs of health care and their impact on the elderly*

268. There are now 2.3 million people in the Netherlands aged 65 or over, accounting for 14 per cent of the total population. By comparison, in Germany the figure is 16.9 per cent, in France 16.2 per cent and in Sweden 17.2 per cent. There are approximately 14 million people aged up to 64, giving a ratio of 1 to 4.4 (*Source: CBS 2006*).

269. The vast majority of elderly people in the Netherlands (92.8 per cent) live at home, and in 2030 the majority will still live in ordinary houses in ordinary streets. Many houses will therefore need to be adapted to their needs. Since the Services for the Disabled Act (WVG) was introduced in 1994, approximately 600,000 houses have been adapted to make them suitable for older people. At present, this country has some 498,000 homes specifically designed or adapted for older people, approximately 415,000 (83 per cent) of which are actually occupied by elderly people with varying degrees of disability (*Source: “Policy on the Elderly from the Perspective of an Ageing Population”, Ministry of Health, Welfare and Sport (VWS), p. 30, February 2006*).

270. The Netherlands has 370 nursing homes, with 66,000 beds. Care homes currently have a capacity of roughly 100,000 beds. Around 355 organizations in the Netherlands provide home care, serving monthly over 442,000 people on average (*Source: NZA and CAK*).

271. In 2006, the roughly €48.3 billion (9 per cent of GDP) that the Netherlands spends on health care (cure and care) was divided among various subsectors. Expenditure on nursing and other care for the elderly was €12 billion (*Source: Rijksjaarverslag, VWS 2006*).

272. Both the costs of and demand for health care have increased sharply over the past few years. The Government, keen to keep health care affordable, has been forced to intervene. Some health care will be transferred to other statutory schemes implemented by local authorities under the Social Support Act (*Wet Maatschappelijke ondersteuning, WMO*), and some to the Health Insurance Act.

#### *Social Support Act*

273. The Social Support Act entered into force on 1 January 2007. It is designed to enable everyone (including young, elderly and disabled people) to participate in society. This is primarily the responsibility of the individual. However, where people are unable to achieve participation themselves, it is up to local authorities to encourage and enable them.

274. WMO specifically regulates participation by people (including children) with a disability, introducing a “duty of compensation”. Local authorities must provide facilities (individual or

collective) for housing, transport, domestic help and social contact to allow people to participate in society. They must be made to realize that if regular facilities are inaccessible, they will have to provide costly special facilities for disabled people. In this way, the infrastructure of the local community should become more accessible to all.

275. The new legislation, which replaces the Social Welfare Act (*Welzijnswet*) and the Services for the Disabled Act (*Wet voorzieningen gehandicapten*) makes local authorities responsible for domestic help. Providing education and guaranteeing work and income for disabled people had already gradually become a local authority responsibility. Central Government expects this combination to provide a basis for comprehensive solutions in several policy areas.

276. The local authority is responsible for overseeing services for housing, health care and social welfare, conducting negotiations with other parties, including housing associations and health-care institutions. Local authorities draft “housing visions” including combined care and accommodation, and services for people with disabilities, including the elderly. Performance level agreements between local authorities and housing associations require provision of suitable housing and other community facilities (such as community service centres).

277. Some €4.5 billion are available for implementing WMO. No data are available on what proportion is used for the elderly.

### **Article 13**

#### **Primary and secondary education**

278. Education legislation guarantees an uninterrupted process of development linked to each child’s individual development. Education therefore targets children’s emotional and intellectual growth, and should equip them not only with knowledge but also with social, cultural and physical skills.

279. Another basic assumption of Dutch education policy is that children grow up in a multicultural society. Education therefore promotes active citizenship and social integration, ensuring that children have knowledge and experience of the different backgrounds and cultures of their peers. This task is also defined in the Primary Education Act, the Expertise Centres Act and the Secondary Education Act.

280. The educational side is explicitly dealt with in the school plan and school prospectus, as well as in the pupils’ charter which secondary schools must produce every two years. Respect for the point of view and culture of others is the most recurrent theme in these documents.

281. Since the 1990s, secondary schools have offered more teaching in Arabic and Turkish, two of the most common ethnic minority languages. Schools may offer these languages as an exam subject if they wish.

282. One of the basic premises of Dutch education - indeed, of Dutch society as a whole - is that people should not be discriminated against because of their gender. Dutch education policy is explicitly geared to offering equal opportunities to boys and girls, with a focus on teaching materials and textbooks that combat gender stereotyping. The attainment targets devote specific attention to equal opportunities for girls.

283. One of the aims of the attainment targets for history and social studies is to enable pupils to form an independent and balanced judgement, based on their own values and those of others. Geography teaching, too, devotes considerable attention to intercultural issues. Primary schools are required to teach children about different religions and belief systems. Intercultural education in many schools also covers subjects such as peace and international cooperation. Science and environmental education and biology teach children respect for the environment and a responsible attitude to sexuality and health.

### **Human rights education**

284. The Dutch Government expects the education sector to live up to its own responsibility towards society, deciding for itself how teaching should be organized and structured. A Government that interfered with the way in which schools meet this responsibility would be incompatible with this philosophy. Schools and school boards are given the freedom to fulfil their role as they see fit, provided they perform certain tasks.

285. The Government guides primary and secondary education by means of generally worded attainment targets. In the “Discovering yourself and the world” subject area, the attainment targets relate directly to good citizenship. For example, pupils learn roughly how the Dutch State and European Union work, and the role of citizens. They also learn to show respect for generally accepted values.

286. Since 1 February 2006 schools have been legally obliged to promote citizenship and social cohesion. The Government has commissioned guidelines to help schools in this task (*Een basis voor burgerschap*, Stichting Leerplanontwikkeling, Enschede, March 2006). The guidelines explicitly mention human rights as an integral part of citizenship education.

287. The attainment targets for citizenship and social cohesion are designed to ensure that more people from all parts of society learn to participate. They make clear to all schools what citizenship is about. Since schools help form the basis for good citizenship, it is important that they think about how best to teach it. Citizenship is not the preserve of a single individual or body; it is something that concerns us all. “Discovering yourself and the world” covers matters such as interaction with other people, solving problems and attributing meaning. The attainment targets help ensure that children learn what they need to know about citizenship.

### **Compulsory education**

288. Under the Compulsory Education Act (*Leerplichtwet*), children must attend school full-time between their fifth and sixteenth birthdays; thereafter, they must continue to attend part-time until their eighteenth birthday. From August 2007, young people who do not have a basic qualification will be obliged to attend a programme combining work and study. Children may in fact attend school from their fourth birthday, and 97 per cent actually do so.

## **Fees**

289. In the 2005/06 academic year the Government abolished school fees for the three forms of secondary education, and for secondary vocational education up to the age of 18. Parents are no longer required to pay a contribution towards the costs of their child's education. Parents/students buy the books used in secondary schools themselves. They may be reimbursed for some of the costs, depending on the family income. School fees should not therefore present any obstacle to a child's continuing in education. Schools may, however, ask parents for a voluntary contribution to pay for things like school trips, though this must have no bearing on whether a child is admitted to the school.

290. The performance-related grant was introduced for secondary vocational education level 3/4 as of 1 August 2005. Students in secondary vocational education aged 18 and over have the same rights and obligations as students in higher education. Since the introduction of the performance-related grant the basic grant, supplementary grant and public transport card have been provided in the form of a loan, which becomes a gift on graduation.

## **Vocational education**

291. Vocational education institutions are legally obliged to offer their students careers advice and guidance. In 2005, the Government made an extra €2.5 million available for this purpose. The Education Inspectorate monitors the quality of the service provided, while the Government provides encouragement and support. Since 1 December 2005, an Internet portal ([www.opleidingenberoep.nl](http://www.opleidingenberoep.nl)) has given students in vocational education access to all the information available on course and career options and the labour market. They will soon also have access to a specialist telephone helpline on courses combining work and study. These new courses will allow young people who have temporarily dropped out of education to explore what they might like to do later on, rather than immediately making a specific career choice.

## **Freedom of education**

292. Article 23 of the Constitution guarantees freedom of education and makes it possible to set up schools and provide education. To qualify for funding, schools must meet certain conditions, including a minimum number of pupils, competent teaching staff and a proper qualification structure. Religious or ideological groups may set up their own schools. If they meet all the conditions these private schools are funded in the same way as public-authority schools. The majority of schools in the Netherlands (some 65) are private schools. Similar freedoms exist regarding the provision of religious education.

## **Article 15**

293. Some changes can be observed in the Dutch science system in terms of policy, structure and instruments.

## **Science policy**

294. Several policy documents have been published in the period under review.

295. In November 2003 the Dutch Minister of Education, Culture and Science published the **Science Budget 2004**, entitled “Focus on Excellence and Greater Value”. The Science Budget is the main document setting out the Government’s vision on science policy. The main issues described in the Science Budget were:

296. *Focus and mass.* In order to maintain and improve the Netherlands’ position in science, research funds must be focused on national priorities. Research groups working on these priorities should be strengthened. The present research priorities are genomics, ICT and nanotechnology. These research areas are supply-driven: a large amount of money is invested in them worldwide, they are developing rapidly, their results affect many disciplines and they have numerous applications. However, this does not mean that other research areas are excluded from support. Some areas are of particular importance to the Netherlands in view of a particular need in society.

297. *Rewarding excellence.* The Science Budget 2004 proposed to allocate additional funding for excellent research and excellent forms of cooperation. The implementation of this proposal prompted several actions. First, in early 2006 the Ministry of Education, Culture and Science and the Ministry of Economic Affairs published a joint scheme costing €100 million (€50 million each). This scheme, entitled Smart Mix, fosters cooperation between businesses, civil society organizations and knowledge institutions (universities, research institutes). Second, the universities committed another €100 million, to be reallocated on the basis of their ability to obtain funds from the research council NWO and from contract research. The aim is to make the university system more dynamic and foster excellence in research. The reallocation amounted to €50 million in 2006, and will rise to €100 million in 2007.

298. *Utilization of research results.* The European paradox is the starting point for a number of activities for the validation of research results. They include strengthening the societal role of universities, adapting their funding model, and stimulating a university patent policy. In early 2005 the Minister of Education, Culture and Science sent a letter to the boards of the universities explaining their institutions’ responsibility for validation. This applies to research not only in the natural sciences and engineering, but also in the social sciences and humanities.

299. *Human resources.* Human capital is the cornerstone of a knowledge economy. It is therefore important that countries have a well-educated labour force, especially in science and engineering. However, the Netherlands faces an impending shortage of knowledge workers and researchers in these areas, a shortage that begins with educational choices.

300. *Public awareness.* Achieving the Netherlands’ ambition within Europe will require not only investment in research and innovation, but also changes to the education system and an adequate strategy in terms of communicating science and technology. The problem is that relatively few pupils in secondary education opt for science and technology, and the same is also true of students in higher education. Public communication policy on science and technology is intended to motivate the general public, especially young people, and to raise their interest in science and technology. This requires a well-functioning national network of both larger and smaller science centres.

301. The knowledge institutions have an important role to play in communication on science and technology, and they themselves see that role as a regular part of their mission.

302. In 2004 the Government launched the **Delta Plan**, its National Action Plan on Science and Technology, reflecting its ambition of increasing by 15 per cent the number of students enrolling in, progressing through and graduating from science and technology courses. A Science and Technology Platform was established for the purpose. The Platform is working towards this goal by offering a quality approach and customized solutions with good, attractive study programmes, including new options, that meet the demands of the job market, both now and in the future, by ensuring that attractive jobs are available for graduates.

303. The Platform has developed programmes throughout the education system that are tailored to various sectors of education and the labour market. The programmes give schools, institutes and business sectors the opportunity to take control of achieving their ambitions in the field of science, technology and innovation. The Platform starts with the institutional policy of the school or company and the requirements based on this policy. This makes it more likely that the eventual results will be sustainable. The Platform is also developing a range of solution strategies and methods for schools. Innovation and performance agreements are made with the school or company regarding the ultimate objectives. The core of this approach is the autonomy of the school.

304. The Platform works with organizations whose goals and plans are embedded in their organizational policy so that innovation continues even after the temporary incentives end. To facilitate this, the Platform has developed a compass, setting out guidelines for achieving the science and technology targets. The guidelines are based in part on the successful experiences of some organizations. Businesses and institutes can use the guidelines to draw up their own policy. The more compass elements schools and businesses integrate into their organizational policy, the greater the prospects for successful innovation and for the future of science and technology.

305. **Making the most of talented researchers.** In September 2005 the Government adopted a policy document on human resources and mobility policy in research with a special focus on talented young researchers. The policy document focuses on:

- (a) Making PhD programmes more attractive in order to encourage more young people to embark on a career in research;
- (b) Creating better career prospects for early-stage researchers/post-docs (both inside and outside academia);
- (c) Encouraging women and ethnic minorities to take up research;
- (d) Fostering mobility, both geographically and between sectors.

### **Structure of the science system**

306. The *Innovation Platform* was established in September 2003. Its aim is to propose strategic plans to reinforce the Dutch knowledge economy, based on an integrated perception of the Dutch knowledge economy and the role of various actors. The Platform will both boost innovation by encouraging businesses and organizations in the knowledge structure to work together and achieve concrete results, and partnering the Government in the development of policies to encourage the development and transfer of knowledge and foster innovation in the Netherlands.

The Innovation Platform is intended as an “icebreaker” and a source of ground-breaking advice. It has 18 members, most of whom were selected from the business community and knowledge institutions. These members were asked to participate on the basis of their extensive professional experience of generating constructive and creative ideas in the field of innovation. The Government is represented by the Prime Minister, who chairs the Platform, as well as by the Minister of Economic Affairs and the Minister of Education, Culture and Science.

307. By analogy with Leading Technological Institutes, so-called *Leading Societal Institutes* (LSI) have been established to connect high-quality research with societal organizations, including the Government, business and non-governmental organizations. Three LSIs have already been launched or are due to open in the near future: NICIS (urban innovation), HILL (internationalization of the law) and Netspar (pensions and insurance).

### **Instruments of science policy**

308. *Steering Committees in priority fields.* Since the publication of the Science Budget 2004 the role of the Netherlands Organization for Scientific Research (NWO) has been strengthened in order to create more focus and mass in scientific research in relation to the national priority areas (genomics and ICT). Steering committees have been established under the auspices of NWO to programme and coordinate research activities in these two fields.

309. *Smart Mix.* Collaboration between the Ministry of Economic Affairs and the Ministry of Education, Culture and Science has resulted in the development of a Smart Mix arrangement. The Smart Mix is an instrument for fostering: (a) focus and mass in excellent scientific research; and (b) economic, societal and cultural validation. For that reason, the Smart Mix aims at large-scale research and development programmes which will be judged on both criteria, although the emphasis may be on one or the other or somewhere in between. Research questions considered important by enterprises and civil society organizations will be allowed to drive the research agenda. As a result, the contents of research programmes may vary widely, ranging from fundamental research to pre-competitive development of processes, services and products. The Smart Mix scheme was published at the end of March 2006. The Ministries will be investing a joint total of €100 million each year from 2007 in these large-scale research programmes, which will be based on collaboration in the form of consortiums involving private sector and/or civil society organizations, and public knowledge institutions (such as universities, scientific research institutes and technological institutes). Consortiums may submit programme proposals and in April 2007 several programmes will be awarded grants. NWO and SenterNovem are responsible for implementing the scheme.

310. *Investment Incentive Scheme for the Knowledge Infrastructure (Bsik).* The Investment Incentive Scheme for the Knowledge Infrastructure is part of the general funding scheme for strengthening the economic structure of the Netherlands. The scheme subsidizes projects in public-private consortiums with the aim of strengthening the knowledge infrastructure in areas considered important by society. Two such schemes have already been implemented. The third scheme will run from 2004 to 2010, with a budget of €800 million. Five thematic fields were selected by the Dutch Government in March 2002. In November 2003 funds were allocated to individual programmes within five priority themes: ICT, microsystems/nanotechnology, genomics/life sciences, high-quality spatial planning, and sustainable system innovations.

311. *Demand-driven research at the technological institutes.* An evaluation of the transfer function of TNO and the Major Technological Institutes (GTIs) was undertaken by the Wijffels Committee (report published May 2004). The Committee recommended that their role within the dynamic innovation system be modernized. The main elements of the recommendations put forward by the Committee were: (a) a change in the structure of the institutes towards an entirely demand-driven system (in which the Government and private parties articulate their demands); (b) active involvement by the private sector; and (c) a more coordinated steering model at Government level.

312. The Dutch Government endorses the Committee's view of TNO and GTIs. An entirely demand-driven system improves the alignment of research with demand from the institutes' customers, which in turn increases the likelihood that they will actually put the results into practice. In other words, improving the connection between the supply and demand of knowledge can counter the innovation paradox. A new process of strategic planning and programming is now being developed and the financial instruments should be completely in line with this process. This demand-driven system therefore has two pillars: demand programming and programme funding.

313. The planning for the implementation of the recommendations is as follows. Recently launched research projects are to continue as planned. In the period 2007-2010 implementation will take place step by step and by the end of 2010 all publicly-funded programme research should be financed and controlled in this way.

## **Media**

314. In 2006, the Dutch Government gave its view on future media policy in response to a report by the Advisory Council on Government Policy (*Wetenschappelijke Raad voor het Regeringsbeleid*) entitled "*Focus op Functies*", [www.wrr.nl](http://www.wrr.nl)). It reiterates the importance of the fundamental principles underlying media policy: independence, variety, quality and access. In the ever-changing digital, international and mainly commercial media landscape, the State's role is to uphold these principles.

315. In 2005 and 2006, the organization of public service broadcasting was the subject of intense political debate. State Secretary for Culture Medy van der Laan proposed several changes, further centralizing decision-making on programming within the broadcasting system and introducing direct competition between the public broadcasting organizations and independent production companies. She produced a proposal for a new Media Act, but soon afterwards the coalition Government fell and Parliament decided not to proceed with her proposal. The new Government intends to make some improvements to the organization of the public broadcasting system, including properly defining the role of multimedia. After years of cutbacks, the Government will invest up to €100 million a year, from a total budget of €750 million in 2007.

316. In the four big cities (Amsterdam, Rotterdam, The Hague and Utrecht), and other areas with relatively large immigrant populations, local public broadcasting provides a forum for ethnic minority groups and is a good way of disseminating information to them. Since 2001, the Government and the four big cities have been funding Multiculturele Televisie Nederland (MTNL), which makes television programmes in collaboration with regional and local public

broadcasters for the four main target groups (Turks, Moroccans, Surinamese and Antilleans). A few years later, the Government and the four big cities began providing support for a radio initiative of local public broadcasters, called FunX. This radio station, providing popular music, news and information, is very successful among a young, urban, ethnically mixed subculture and is now receiving exposure on national radio too.

#### **IV. LIST OF APPENDICES**

317. The following appendices can be consulted in the files of the Secretariat:

- Appendix I. Survey of case law relating to the Covenant
- Appendix II. European Employment Observatory, MISEP, Basic Information Report, 2005
- Appendix III. Trafficking in human beings: summary of the fourth report of the National Rapporteur
- Appendix IV. Equal treatment: principles and practices, Equal Treatment Act Evaluation Study
- Appendix V. The Work and Social Assistance Act (WWB) in the Netherlands: system change and initial results
- Appendix VI. Changes in parenting: children today, parents tomorrow
- Appendix VII. 2005 National Strategy Report on Adequate and Sustainable Pensions: the Netherlands

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