



**Economic and Social  
Council**

Distr.  
GENERAL

E/C.12/NLD/CO/3  
24 November 2006

Original: ENGLISH

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COMMITTEE ON ECONOMIC, SOCIAL  
AND CULTURAL RIGHTS  
Thirty-seventh session  
Geneva, 6 – 24 November 2006

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER  
ARTICLES 16 AND 17 OF THE COVENANT

**Concluding Observations of the Committee on  
Economic, Social and Cultural Rights**

**THE NETHERLANDS**

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of the Netherlands on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.30) at its 33<sup>rd</sup> to 35<sup>th</sup> meetings, held on 7 and 8 November 2006 (E/C.12/37/SR.33-35) and adopted, at its 50<sup>th</sup> meeting held on 17 November 2006, the following concluding observations.

**A. Introduction**

2. The Committee welcomes the submission of the third periodic report of the State party, which was prepared in conformity with the Committee's guidelines, and the written replies to its list of issues.

3. The Committee welcomes the open and constructive dialogue with the delegation of the State party, which included representatives from various government offices, as well as the delegation's answers to the questions asked by the Committee.

### **B. Positive aspects**

4. The Committee welcomes the fact that the State party provided in its report information on the implementation of the Committee's concluding observations made pursuant to the examination of the second periodic report.

5. The Committee notes with satisfaction the low unemployment rate in the State party, and the fact that the minimum wage complies with the requirement of article 7 of the Covenant.

6. The Committee welcomes the policy and legislative initiatives taken by the State party to encourage older people to remain active in the labour market.

7. The Committee welcomes the information provided by the delegation that secondary school fees have been abolished, meaning that now both primary and secondary education is free.

8. The Committee welcomes the fact that the State party takes a human rights based approach to its development cooperation policy and does so in close cooperation with UN institutions, international organisations, and non-governmental organisations.

9. The Committee notes with satisfaction that the State party allocates 0.8% of its GDP to its development cooperation policy, which is more than the percentage (0.7%) set by the United Nations for official development assistance.

### **C. Factors and difficulties impeding the implementation of the Covenant**

10. The Committee notes the absence of any factors or difficulties preventing the effective implementation of the Covenant in the State party.

### **D. Principal subjects of concern**

11. The Committee is concerned that the courts in the State party apply the provisions of the Covenant only to the extent that they consider that these are directly applicable and that most provisions of the Covenant cannot be applied directly.

12. The Committee is concerned at the rise in the dissemination of racial and discriminatory material through internet websites in the State party.

13. The Committee is concerned at the low level of employment among women in ethnic minorities.

14. The Committee is concerned that trafficking in persons for the purpose of sexual exploitation remains a problem within the State party.

15. The Committee expresses its concern about the persistence of domestic violence and child abuse in the State party and notes the lack of specific legislation concerning domestic violence.

16. The Committee is concerned about the occurrence of sexual exploitation of children and child pornography in the State party.

### **E. Suggestions and recommendations**

17. The Committee encourages the State party to consider giving its support to the process of discussion and future adoption of the Covenant's Optional Protocol on an individual communications procedure.

18. The Committee encourages the State party to consider ratifying the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

19. The Committee recommends that the State party reassess the extent to which the provisions of the Covenant might be considered to be directly applicable. It urges the State party to ensure that the provisions of the Covenant are given effect by its domestic courts, as defined in the Committee's General Comment 3, and that it promotes the use of the Covenant as a domestic source of law. It invites the State party to include, in its fourth periodic report, information on case-law concerning the rights recognised in the Covenant.

20. The Committee recommends 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 individual and groups.

21. The Committee recommends that the State party 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.

22. The Committee recommends that the State party continue and strengthen its measures to overcome the obstacles faced by ethnic minority women in accessing the labour market. It invites the State party to provide, in its next report, an assessment of the impact of the measures taken.

23. The Committee encourages the State party 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 invites the State party to provide, in its next report, detailed information, including an assessment of the measures taken,

in particular on the results of the Work-Life Balance projects and of the Child Care Act under which the number of day care places for children will increase from September 2007.

24. The Committee urges the State party to strengthen the ongoing evaluation of the consequences of the Work and Social Assistance Act, so as to ensure adequate entitlement 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 requests the State party to provide detailed information on this evaluation in its next periodic report.

25. The Committee would welcome information in the next report on the outcome and assessment of the State party's 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.

26. The Committee urges the State party to continue and strengthen its efforts to combat the problems of trafficking in persons and the commercial sexual exploitation of women and children, and requests the State party 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.

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

28. The Committee recommends the State party to continue to strengthen its efforts to combat child pornography and the sexual exploitation of children.

29. The Committee invites the State party in its next periodic report to provide information on the implementation of the plan entitled "A Healthier Life 2004-2007".

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

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

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

33. The Committee invites the State party to update its core document in accordance with the requirements of the Common Core Document in the Harmonised Guidelines on Reporting, recently approved by the international human rights treaty bodies.

34. The Committee requests the State party to submit its combined fourth and fifth periodic reports by 30 June 2007.

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