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REVISED EUROPEAN SOCIAL CHARTER

4th National Report on the implementation of
the European Social Charter (revised)

submitted by

THE GOVERNMENT OF THE NETHERLANDS

(for the period 1 January 2003 - 31 December 2009
on Articles 7, 8 and 17
for the period 1 January 2005 – 31 December 2009
on Articles 16 and 19
and a first report on Articles 27 and 31)

Report registered by the Secretariat on 25 January 2011

CYCLE 2011

THE EUROPEAN SOCIAL CHARTER

The Netherlands' Twenty-third Report

for the period 1 January 2003 - 31 December 2009

on Articles 7, 8 and 17

for the period 1 January 2005 – 31 December 2009

on Articles 16 and 19

and a first report on Articles 27 and 31

Report

For the period 1 January 2003 to 31 December 2009 (Articles 7, 8 and 17), for the period 1 January 2005 to 31 December 2009 (Articles 16 and 19) and a first report on Articles 27 and 31, made by the Government of the Netherlands in accordance with Article C of the Revised European Social Charter, on the measures taken to give effect to the accepted provisions of the European Social Charter.

This report does not cover the application of such provisions in the non-metropolitan territories to which, in conformity with Article L they have been declared applicable.

In accordance with Article C of the revised European Social Charter, copies of this report have been communicated to:

- Netherlands Trade Union Confederation FNV
- National Federation of Christian Trade Unions in the Netherlands CNV
- Trade Union Federation for middle classes and higher level employees MHP
- Netherlands Council of Employers' Federations RCO

Contents

Article 7 – The right of children and young persons to protection

With a view to ensuring the effective exercise of the right of children and young persons to protection, the Parties undertake:

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;
2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;
3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;
4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;
5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;
6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;
7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;
8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;
9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;
10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Article 7§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

No new developments; see page 3 of the 17th report.

Article 7§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

No new developments; see page 3 of the 17th report.

Article 7§3

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments; see page 4 of the 17th report.

Article 7§4

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments; see page 4 of the 17th report.

Article 7§5

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments.

Article 7§6

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments.

Article 7§7

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments; see page 7 of the 17th report.

Article 7§8

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments; see page 8 of the 17th report.

Article 7§9

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments. No data are available on the use made by young workers of the opportunity to undergo medical examinations.

Article 7§10

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments; see pages 72-73 of the 17th report.

Negative conclusions of the European Committee of Social Rights

A. *The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§3 of the Charter on the grounds that*
   – *children aged 15, still subject to compulsory education, are allowed to work for more than half of the long summer school holidays;*
   – *it is possible for children aged 15, still subject to compulsory education, to deliver newspapers from 6 a.m. for up to 2 hours per day, 5 days per week before school.*

Re 1.
Children aged 15 may not work more than 8 hours a day or 40 hours a week in the school holidays, subject to a maximum of 6 weeks a year. No more than 4 weeks may be worked consecutively. 15-year-olds have at least 12 weeks' holiday in total, which is broken down into:

- 1 week's autumn holiday
- 2 weeks' Christmas holiday
- 1 week's spring holiday
- at least 8 weeks' summer holiday

At least 6 weeks a year may therefore be spent on paid work. It follows that 15-year-olds may indeed spend more than half of the summer holidays working. However, they may not work for more than half of the total annual holidays. This rule is in keeping with the EU Directive on the protection of young people at work, which is based on the principle that 15-year-olds may not work throughout the entire school holiday.

Re 2.
The general rule that 15-year-olds may not work before 7 a.m. is subject to an exception for newspaper delivery rounds. However, no exception is made to the rule on total working time. Just as in the case of other work for 15-years-olds this is subject to a maximum of 2 hours on a school day.

A study of whether early working hours of this kind adversely affect how children experience school and perform academically was carried out in late 2003. This produced no evidence that delivering morning papers detracts from the school performance of 15-year-olds. No differences were found in the report figures or the rates of being kept down at the end of the school year. On the contrary, children with newspaper rounds were discovered to be in better condition physically and mentally than their peers. They felt more rested and were able to concentrate better. Generally, they were also more ambitious and enterprising than other children of their age. Children with newspaper rounds liked attending school more than the control group. It was therefore concluded that 15-year-olds with a newspaper round were able to derive maximum benefit from their schooling and that their extracurricular activities did not detract from this.

B. The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§5 of the Charter on the grounds that young workers' wages and apprentices' allowances are not fair.

As indicated in the previous report, all employees aged between 15 and 65 are entitled to receive the statutory minimum wage and minimum holiday allowance. This is laid down in the Minimum Wage and Minimum Holiday Allowance Act. The actual wage is agreed between the employer and employee, often on the basis of a collective agreement. However, the wage actually paid may not be less than the statutory minimum wage. The latter is, in principle, adjusted every six months on the basis of the average increase in the basic rates of pay agreed upon through collective bargaining in the private and public sectors.

Young people under the age of 23 are entitled to a given percentage of the minimum wage for employees aged 23 and over. This percentage rises from 34% for 15-year-olds to 85% for 22-year-olds. The statutory minimum wage rose by 7.3% between 1 January 2005 and the end of the reporting period (31/12/2008).

Table 1: Statutory minimum wage per month by age group (2005-2008)

	15-year-olds	16-year-olds	17-year-olds	23 and over
1/1/2005	€ 379	€ 436	€ 500	€ 1,265
1/1/2006	€ 382	€ 439	€ 503	€ 1,273
1/1/2007	€ 390	€ 449	€ 514	€ 1,301
1/1/2008	€ 401	€ 461	€ 527	€ 1,335
1/7/2008	€ 407	€ 468	€ 536	€ 1,357

Source: Ministry of Social Affairs and Employment

Exclusive of 8% holiday allowance, rounded to the nearest euro

The Committee's findings were discussed in the previous report. The reason why the statutory minimum wage (SMW) for young people is lower is that education and training are the priority for this group. The level of the minimum wage for young people strikes a balance between two objectives of government policy. First, it is the government's policy to ensure that young people remain in education for as long as possible and do not drop out of school (i.e. leave school without a basic qualification). If the minimum wage were to be substantially higher this might encourage them to drop out of school and try to find work, even though they do not yet have the skills the labour market requires. Second, it is necessary to preserve and create employment for those young people who do enter the labour market. An unduly high minimum wage for young people might result in a loss of employment for this group, as wage costs would no longer be proportional to output. Demand for young workers would then decline sharply, causing a rise in youth unemployment.

In general, young people are less productive than adults, require more supervision and are not permitted to carry out all types of work. A lower minimum wage is therefore not unreasonable. Moreover, young people do not yet lead an independent existence for which they need to generate a sufficient income. The wage they receive is thus more in the nature of an 'extra reward' than a 'family income'. It should be noted, incidentally, that according to the most recent survey data most employees under the age of 23 earn more than the statutory minimum wage. See the table below.

Table 2: Percentage breakdown of pay of employees aged 15-23

Pay in relation to SMW	As % of employees aged 15-23
Less than 100%	0.8%
100%	8.4%
100-105%	4.2%
105-110%	5.2%
110-120%	12.8%
120-130%	14.3%
130% or more	54.3%

Source: Ministry of Social Affairs and Employment

It can be concluded from this that only a small proportion of young people receive a wage that is less than or equal to the statutory minimum and that the large majority earn substantially more.

A major change was made to the legislation on 4 May 2007 when the statutory minimum wage became enforceable under administrative law rather than civil law. This means that the supervisory authority (the Labour Inspectorate) may itself now impose a fine, without recourse to the courts, for underpayment of wages or holiday allowances and may also demand payment of any arrears of wages and allowances, failing which the employer will be liable to an incremental penalty. The amount of the fine varies between €750 and €6,000 per underpaid employee, depending on the duration and extent of the underpayment. In addition, an incremental penalty which can rise to €25,000 per employee can be imposed for failure to pay any arrears. If it cannot be established on the basis of the business's payroll whether the law has been complied with, a fine of €6,700 per employee is imposed. The fine for underpayment of the holiday allowance is €700.

As noted above, the statutory minimum wage was previously enforced under civil law. This meant that if an underpaying employer failed to rectify the default of his own volition, the

employee had to institute civil proceedings in order to recover any arrears of pay. The introduction of enforcement under administrative law has made it easier to supervise compliance with the statutory minimum wage. The Labour Inspectorate is the supervisory authority and currently carries out about 11,000 inspections a year to check compliance with the SMW legislation. Young people too benefit from these enforcement activities. The Labour Inspectorate also imposes fines of the above-mentioned amounts for underpayment of young people. In fact, the percentage of infringements is small. Only about ten fines have been imposed for underpayment of young people under the age of 23.

In view of the above, the situation in the Netherlands is in conformity with article 7§5 of the European Social Charter.

C. The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§6 of the Charter because there is no evidence that the great majority of young workers and apprentices have a right to remuneration for time spent on vocational training with the consent of the employer.

As already indicated in the previous report, the Working Hours Act provides that the work performed by young workers must be arranged in such a way that they are able to participate in education or training as required by law and that any time spent by them in education or training is treated as working time (Working Hours Act, section 4:4, subsections 1 and 2). The aim of the section is to ensure that young workers are able to take a vocational training course insofar as they are obliged to do so by law. As it has now been provided that time spent in education or training is treated as working time, young workers are also protected from stress and an excessive workload. The Netherlands has thus now fulfilled the obligation under article 7§6 of the Charter.

Various collective agreements in industries in which many apprentices get their workplace training contain a supplementary and more general provision that time spent on training should be treated as working time. The training time is not linked to the training days required by law and can therefore also relate to training that goes beyond the statutory minimum.

Current Dutch legislation does not oblige employers to continue paying wages when employees receive vocational training outside the workplace. However, the social partners may agree in the collective agreement for the industry or business concerned that training time will be remunerated. A 2008 survey by the Labour Inspectorate shows that 104 of the 115 collective agreements examined contained agreements about training. 26 of the collective agreements dealt specifically with block or day releases and provided that the training time would be wholly or partly remunerated. Although time spent on vocational training is deemed to be working time, this does not necessarily mean it should also be remunerated. This is not required by article 7§6 of the ESC. The remuneration of young workers and apprentices is dealt with in article 7§5.

Questions from the European Committee of Social Rights

arising from the previous (17th) Dutch report

Paragraph 1 - Minimum age of admission to employment

a) The Committee wishes the next report to provide updated information on inspections carried out by the Labour Inspectorate and the number of breaches detected and sanctions imposed.

2009

Almost 1,200 inspections were carried out in the agricultural and horticultural industries, the hospitality sector and the retail trade and also in various wholesale/distribution centres and garage businesses. In addition, early morning visits were paid to newspaper distribution depots to check on the delivery staff. The Food and Consumer Product Safety Authority also carried out over 300 inspections in the hospitality industry.

2008

Many young people work part time while they are studying or full time in the summer months. For many of them this is their first taste of working life. Often young people are unaware of risks and require extra supervision because of their inexperience. In the period from June to August 2008, over 1,000 inspections were carried out in the agricultural and horticultural industries, food wholesaling businesses (distribution centres), supermarkets and department stores, DIY stores, laundries and the hospitality industry. The main aim of these inspections was to check that employees had safe and healthy work and proper working hours and rest periods. The rates of compliance in these different industries differed greatly. Almost no infringements were discovered in laundry businesses, whereas one or more infringements were discovered at 53% of the inspected hospitality businesses. The previous improvement in compliance in the retail trade was not sustained in 2008 and the rate of compliance in fact fell from 80% in 2007 to 70% in 2008. The rate of compliance in the agricultural and horticultural industries was 70%, which was roughly the same level as in previous years. It is notable that a relatively large number of the infringements discovered concerned work performed by 15-year-olds. In early August 2008 the Labour Inspectorate published a report on accidents involving children on farms. This showed a relatively high incidence of accidents with farm machinery involving children under the age of 16. The main thrust of the Labour Inspectorate's report was that children under 16 should not be allowed to work with machinery and that this should be the subject of more rigorous inspections by the Labour Inspectorate in the future, in collaboration with the General Inspection Service. It was agreed with the General Inspection Service that its inspectors would notify the Labour Inspectorate if they discovered situations in which children were carrying out prohibited work.

2007

Owing to their inexperience, high spirits and physical limitations young workers run considerably greater risk than adults. Employers must therefore provide extra supervision for this group. And this does not always happen. This is why the Labour Inspectorate carries out an annual inspection of holiday work, on each occasion in different industries. In 2007 761 businesses employing holiday workers under the age of 18 were inspected. Infringements were discovered in 31% of cases, compared with 25% in 2006 and 44% in 2005. As the inspections were carried out in different industries and concerned different subjects, the results cannot be compared on a one-on-one basis with previous years. The inspectors of the Food and Consumer Product Safety Authority took this subject into account in their inspections in the hospitality industry. The businesses where things were not in order were discovered to have committed 415 infringements (an average of 1.75 infringements per

business). A warning was issued for the majority of the infringements. 42 Fines were imposed. This was considerably more than in previous years. The majority of the infringements involved breaches of the rules on working hours and rest periods and the types of work young people are not permitted to perform.

2006

Inspection projects on the subject of holiday work by children and young people have been carried out annually since 1997. The aim has always been to investigate the specific problems connected with what is termed 'child labour' (work involving children aged 13, 14 and 15) and 'youth labour' (work involving children aged 16 and 17). These age groups tend to be active in the labour market in the holiday period, but they are also increasingly likely to have part-time jobs outside the holiday period. Owing to their inexperience, high spirits, naivety and physical limitations young workers run considerably greater risks than adults. Employers must therefore provide extra information and supervision for this group, but this is not always forthcoming. This is why the Labour Inspectorate carries out an annual inspection of holiday work, on each occasion in different industries, to identify breaches of the Working Hours Act and the Working Conditions Act by employers and their holiday workers. This was once again the case in 2006. Inspections by the Labour Inspectorate in the summer of 2006 into the safety of holiday workers revealed fewer breaches than in previous years. One or more infringements were discovered at a quarter of the businesses and institutions inspected (total of 1,600). In 2005, when 1,350 businesses were inspected, 44% of businesses were in breach. In only four cases were the operations shut down because of acute danger to young workers. In two situations young workers were working at a height of several metres without any fall protection. And in the other two cases moving parts of machinery were not properly shielded. Most of the other infringements concerned excessive working hours or work not suitable to the age of the child or young person. Health care institutions in particular succeeded in ensuring that working conditions were suitable for children and young people. By contrast, supermarkets committed a relatively large number of infringements. Agriculture performed better than in 2004 when the Labour Inspectorate last carried out inspections. Inspections were also carried out by the Labour Inspectorate in the retail trade and leisure sector.

Paragraph 9 – Regular medical examination

b) Since the report does not provide the information requested, the Committee repeats its question and considers that, should the necessary information not be provided in the next report, there will be nothing to show that the situation in the Netherlands is in conformity with Article 7§9 of the Charter.

Under section 5 of the Working Conditions Act employers are obliged, when implementing the policy on working conditions, to list and assess in writing what risks the work entails for their employees. This includes describing the dangers and the measures taken to mitigate them, as well as the risks facing special categories of employees. Young people under the age of 18 are one of these special categories.

If a business employs young people under the age of 18, the employer as defined in section 5 of the Working Conditions Act will be required, when listing and assessing the risks, to pay special attention to the following points:

- specific health and safety dangers as a consequence of young people's lack of work experience, their inability to estimate dangers properly or their mental and/or physical immaturity;
- the fitting out and layout of the workplace;

- the nature of any physical, biological and chemical agents to which they will be exposed and the extent and duration of the exposure;
- what types of work equipment will be used and how this will be handled;
- the level of training of young employees and the information to be provided to them.

In listing and assessing the risks the employer should also pay special attention to the non-exhaustive list of agents, processes and work contained in the Annex to Council Directive 94/33/EC of 22 June 1994 on the protection of young people at work.

If it is apparent from the listing and assessment of risks that young workers have to perform work that entails specific dangers, particularly the danger of occupational accidents as a consequence of a lack of work experience, inability to assess the dangers properly or mental or physical immaturity, they must be given the opportunity by the employer to undergo an occupational health examination. This obligation of the employer under article 1.38 of the Working Conditions Decree supplements section 18 of the Working Conditions Act, under which the employer is obliged to give employees the opportunity periodically to undergo an occupational medical examination.

As is apparent from the above, under the system in the Netherlands employers have a statutory duty to give employees the opportunity to undergo a medical examination. There is no corresponding duty for employees to submit to such an examination. No data are available on the extent to which young workers make use of the opportunity to undergo medical examinations.

Paragraph 10 – Protection against physical and moral dangers

c) Pursuant to Article 240b of the Criminal Code, the production of, the procuring of, the spread of, the exhibition of and the possession of pornographic material of a person under 18 years is punishable by imprisonment of up to six years. The Committee wishes to be kept informed on any legal developments in this area.

Under article 240b of the Criminal Code various acts involving child pornography (possessing, producing, distributing and so forth) are criminal offences. Since 1 January 2010 the list of offences has been widened (to include, for example, 'obtaining access' to child pornography) in order to implement the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse. Under article 240b, paragraph 1 of the Criminal Code all these acts carry a maximum sentence of four years' imprisonment. Article 240b, paragraph 2 of the Criminal Code provides for a higher maximum sentence where the possession, production, distribution etc. of child pornography is habitual or for gain. From 1 July 2009 the maximum sentence is raised in these circumstances from 6 to 8 years. This also makes it possible to exercise certain special investigative powers.

Since 1 January 2010 article 240b of the Criminal Code has read as follows:

1. A person who distributes, offers, openly displays, produces, imports, forwards, exports, procures or has in his possession an image – or a data carrier containing an image – of a sexual act in which someone who apparently has not reached the age of eighteen is involved or appears to be involved, or a person who gains access to such an image through information and communication technologies, is liable to a term of imprisonment of not more than four years or a fifth-category fine.
2. Those who commit any of the criminal offences described in paragraph 1 habitually or for gain are liable to a term of imprisonment of not more than eight years or a fifth-category fine.

d) As regards the situation in practice, the Committee notes from another source[1] that very little attention is paid to boy victims of trafficking and there is a shortage of data on the extent of this problem.

Data on the number of boys and male adolescents who have been victims of human trafficking are available for 2006 and subsequent years. According to the figures of the National Rapporteur on Human Trafficking, there were 5 victims in 2006, 16 in 2007 and 5 in 2008. The annual report of CoMensha, the NGO responsible for recording data on victims, shows that there were 7 such victims in 2009. The government is taking steps to improve the system for recording data on child prostitution.

In 2009 the Bonger Institute of the University of Amsterdam carried out a study on behalf of the Research and Documentation Centre of the Ministry of Justice into the sexual exploitation of boys.[1] The researchers concluded that there were no reliable data on the number of boys and male adolescents working in prostitution. Boys working in prostitution often claim they are younger than their real age because younger boys are popular with the clients. It seems that minors are a minority within male prostitution. On the basis of the findings of the study, the Minister of Justice decided against taking extra measures to assist this group of young people and instead to join in the measures taken by the Minister of Education, Culture and Science and the Minister of Health, Welfare and Sport to make young people better able to resist sexualisation.

Since 2008 Rotterdam has a social worker specifically responsible for helping boys who are being exploited in prostitution. Contact is made with the target group both directly and through the internet.

e) Furthermore, there is a lack of technical and human capacity within the law enforcement sector to deal with increased number of reported cases. The Committee asks for the Government's comments on these issues.

As the Public Prosecution Service and the police do not have unlimited capacity to fight crime, they have to give careful consideration to what cases will be tackled. To ensure that they have sufficient capacity to deal with human trafficking, the subject has been given priority. Actual decisions on how the capacity is allocated are made on the basis of the priorities set at regional level by the regional police force manager (i.e. the mayor of the main city in the region), the chief of police and the chief public prosecutor. One of the results of continuing to step up the efforts to tackle human trafficking has been a threefold increase in the number of recorded victims (from 284 in 2001 to 909 in 2009).

Three factors will ensure that more human trafficking cases can be dealt with in the future. The first concerns the programmes set up in 2007 to strengten the efforts to tackle serious forms of crime. The programme to strengthen the investigation of financial and economic offences is also helping to increase the efforts to tackle human trafficking. Under another of these programmes (the programme to combat organised crime) extra resources have been allocated to the Public Prosecution Service and the police to enable them to try out innovative methods in certain experimental projects. At present there are seven experimental projects in the human trafficking sector. This involves the use of a model in which human trafficking is

[1] Korf, D.J., Benschop, A. and Knotter, J. (2009). *Verborgen Werelden: minderjarige jongens, misbruik en prostitutie*. Amsterdam: Rozenberg Publishers.

divided up into various parts in order to ascertain which organisation is best placed to tackle a particular part. Experiments are also being conducted with 'administrative reports' (i.e. recommendations of the Public Prosecution Service and the police to the administrative authority on ways of preventing and combating crime). In addition, senior prosecutors have been designated at the regional public prosecutor's offices to deal with human trafficking cases and to adopt a multidisciplinary approach to the problem.

The second factor is the bill to regulate prostitution and combat abuses in the sex industry. The aim of this bill is to strengthen the administrative supervision of prostitution by municipalities and to clarify the division of responsibilities between municipalities and the police in such a way that the available investigative capacity can be used more effectively to tackle illegal prostitution and human trafficking. The Task Force on Human Trafficking, on which various ministries, municipalities and law enforcement authorities are represented, is working to improve supervision of the prostitution sector. For example, it has produced a guide for municipalities explaining the different levels of responsibility for overseeing and monitoring licensed prostitution businesses. It has also developed a human trafficking 'toolkit', consisting of a CD-ROM containing documents and instruments for tackling human trafficking (including the guide just mentioned). This toolkit facilitates the day-to-day work of the different organisations involved in tackling human trafficking and the cooperation between them. This ensures that the limited capacity can be deployed more efficiently and effectively. In this way, supervision and enforcement can be intensified without extra resources.

The third factor is the new government which took office on 14 October. The coalition has agreed that the police and the public prosecution service will investigate human trafficking more intensively.

f) In light of the fact that that new information technologies have contributed to the increase in certain forms of sexual exploitation of children and created new forms, states parties should adopt measures in law or practice to protect children from their misuse. The Committee asks for full information in the next report on measures taken in these areas.

An additional merit of the Council of Europe's Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse is that it takes account of advances in information technology and the growing use of the internet. Both these developments necessitate more far-reaching protection of children against sexual abuse. The Netherlands ratified the Convention on 1 March 2010. To implement it, the Netherlands tightened its criminal legislation in various respects on 1 January 2010. The following should be mentioned in this connection: (1) the offence in respect of child pornography has been widened to include 'obtaining access to child pornography', (2) a provision has been introduced to make 'grooming' a criminal offence.

The specific offence of grooming is defined as follows:

Article 248e
Any person who proposes, through the use of information and communication technologies, to meet a person whom he knows, or should reasonably assume, has not yet reached the age of sixteen, with the intention of committing indecent acts with this person or of producing an image of a sexual act in which this person is involved, will be liable to a term of imprisonment of not more than two years or a fourth-category fine if he takes any steps to bring that meeting about.

g) The Committee asks whether there are special programmes to assist children involved in begging (and where appropriate their families) as well as measures taken to protect and assist children from economic exploitation.

The exploitation of children by means of forced begging is a relatively new and still fairly rare phenomenon in the Netherlands. In 2008 the Child Protection Board drafted guidelines for dealing with children from Eastern Europe who are involved in activities such as begging, selling newspapers, busking and stealing. A policy has been developed for this purpose in the municipalities of Den Bosch and Amsterdam. In cases in which parental responsibility is not exercised, the Child Protection Board asks the courts to transfer parental responsibility to an agency. The Child Protection Board may also request the courts to make a supervision order where the parents abuse or do not exercise their authority. A family supervisor will draw up a supervision plan for the minor and, if necessary, organise the provision of youth services.

There are no figures on the precise extent of the economic exploitation of children as it occurs so rarely. However, figures are available on the number of child victims of human trafficking in general (without any breakdown by type of exploitation) and on the victims of economic exploitation in general (without any breakdown by age). The national policy on these groups of children is the same as the policy for all other children who are victims of child abuse and human trafficking. The Dutch youth protection measures apply to children regardless of whether they are legally or illegally resident in the Netherlands.

Article 8 – Right of employed women to protection of maternity

With a view to ensuring the effective exercise of the right of employed women to the protection of maternity, the Parties undertake:

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;
2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;
3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;
4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;
5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining, and all other work which is unsuitable by reason of its dangerous, unhealthy, or arduous nature and to take appropriate measures to protect the employment rights of these women.

Article 8§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Work and Care Act (*Wet arbeid en zorg*) entitles employees to sixteen weeks' maternity leave and benefit during that period, but imposes no obligation to take up this leave.

Compulsory maternity leave is regulated by the Working Hours Act (*Arbeidstijdenwet*), which effectively prohibits employees from working during the four weeks before the due date and the six weeks after actual delivery. Since the Working Hours Act addresses the employer rather than the employee, this takes the form of a requirement that the employer organise the work in such a way that the employee does not work in the 28 days prior to her due date and the 42 days after actual delivery. The Working Hours Act makes no exception for cases in which the employee would prefer to continue or start working within this period.

The Working Hours Act is applicable to all employer/employee relationships, including part-time, temporary, fixed-term and other non-standard employment contracts.

The Work and Care Act also provides for maternity benefit for self-employed women for the same period as for employees, i.e. sixteen weeks. As the self-employed regulate their own working hours, this benefit is not accompanied by a legal right to maternity leave nor an obligation to take up this leave while receiving maternity benefit.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

Maternity leave and benefit for employees is a long-standing arrangement for which no additional implementation measures are needed.

The introduction of maternity benefit for the self-employed in 2008 was accompanied by a publicity campaign directed at the target group. Since the take-up of benefit is significantly higher than initially expected, it can be assumed that the self-employed are sufficiently informed about their entitlements. The agency responsible for the implementation of this benefit scheme has a designated office for the handling of applications and provides specific information on its website. It is unlikely that the self-employed experience any significant obstacles in claiming their rights.

3) Please provide pertinent figures, statistics or any other relevant information to demonstrate that the level of maternity benefit is adequate.

The level of maternity benefit and the conditions applying are such that almost full take-up can be expected. For employees maternity benefit is 100% of their last-earned wage. There are no indications that employees experience any significant obstacles to exercising their statutory right to 16 weeks' leave.

Since the conditions governing the right of the self-employed to maternity benefit are limited to a declaration of pregnancy and delivery, a high take-up of benefit can be expected. There is no information on the degree to which the self-employed use the benefit to temporarily reduce or suspend their working activities.

Article 8§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Apart from exceptional circumstances which in general justify the dismissal of an employee, the Civil Code (Article 7:670, paragraph 2) contains an absolute prohibition on terminating employment contracts during the period of pregnancy, maternity leave as regulated by the Work and Care Act and in the six weeks following maternity leave. This legal provision leaves no room for consideration of relevant factors, so there is no need to obtain consent from an independent third party.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no recent changes to the relevant legislation.

Article 8§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Working Hours Act entitles employees who are breastfeeding a child aged up to nine months to a break of up to a maximum of 25% of their working hours.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no recent changes to the relevant legislation.

Article 8§4

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Under the Working Hours Act, a pregnant employee cannot be required to work nights, unless the employer can make a plausible case that it cannot reasonably be expected not to require this.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no recent changes to the relevant legislation.

Article 8§5

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Specific attention was paid in the risk assessment and evaluation to the non-exhaustive list of agents, processes or conditions in Directive 92/85/EEC (on the introduction of measures to encourage improvements in the safety and health at work of pregnant workers and workers who have recently given birth or are breastfeeding).
Employers are also obliged to organise the work in such a way that there are no risks to pregnant or breastfeeding employees and no ill-effects on pregnancy or breastfeeding (article 1.42, Working Conditions Decree (*Arbobesluit*)). In administrative rule 1.42 this provision is supplemented with risks and standards regarding physical burdens and factors, hazardous substances, radiation etc.

Pregnant and breastfeeding women may not be exposed to metallic lead and lead compounds (article 4.108, Arbobesluit) or to the biological agents toxoplasma and rubella, unless it has been established that they are immune to such agents (article 4.109, Arbobesluit). Nor may pregnant women work in a hyperbaric atmosphere such as is present in a caisson or during underwater diving (article 6:29, *Arbobesluit*).

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There have been no recent changes to the relevant legislation.

Questions from the European Committee of Social Rights

arising from the previous (17th) Dutch report

Paragraph 1 – Maternity leave

a. The Committee seeks confirmation that at least six weeks postnatal leave is compulsory i.e. that a woman may not relinquish this part of her maternity leave. It also asks for information on the personal scope of the legislation.

The Work and Care Act entitles employees to sixteen weeks' maternity leave and benefit during that period, but imposes no obligation to take up this leave, as is the case with other leave arrangements regulated by the Work and Care Act, such as parental leave.

Compulsory maternity leave is regulated by the Working Hours Act, which effectively prohibits employees from working during the four weeks before the due date and the six weeks after actual delivery. Since the Working Hours Act addresses the employer rather than the employee, this takes the form of a requirement that the employer organise the work in such a way that the employee does not work in the 28 days prior to her due date and the 42 days after actual delivery. The Working Hours Act makes no exception for cases in which the employee would prefer to continue or start working within this period.

The Working Hours Act is applicable to all employer/employee relationships, including part-time, temporary, fixed-term and other non-standard employment contracts.

The Work and Care Act also provides for maternity benefit for self-employed women for the same period as for employees, i.e. sixteen weeks. As the self-employed regulate their own working hours, this benefit is not accompanied by a legal right to maternity leave nor an obligation to take up this leave while receiving maternity benefit.

Paragraph 2 – whether dismissal during maternity leave is unlawful

b. The Committee seeks further information on the procedure for terminating a contract of employment during maternity leave, i.e. is the consent of a court required. Consequences of unlawful dismissal

Apart from exceptional circumstances which in general justify the dismissal of an employee, the Civil Code (Article 7:670, paragraph 2) contains an absolute prohibition on terminating employment contracts during the period of pregnancy and maternity leave as regulated by the Work and Care Act and in the six weeks following maternity leave. This legal provision leaves no room for consideration of relevant factors, so there is no need to obtain consent from an independent third party.

c. Consequences of unlawful dismissal: The Committee asks whether there are any limits to the amount of compensation that may be awarded by the Court.

Pregnant women may not be dismissed. If an employer nevertheless terminates an employment contract while an employee is pregnant or on maternity leave, or during the six weeks following maternity leave, the employee can invoke grounds for voidance of the termination. The contract then remains in force.

The employer may apply to the civil courts for dissolution of the employment contract. The court will decide whether the employment relationship may be terminated, whether compensation should be paid and if so, how much. There is no statutory limit on the amount of compensation that may be awarded.

Article 16 – The right of the family to social, legal and economic protection

With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information to show that Article 16 is applied in practice, including information on domestic violence, information on child care arrangements and housing for families, the level of family benefits, the number of recipients as a proportion of the total population, as well as information on tax benefits and other forms of financial assistance for families.*

FAMILY HOUSING

Housing policy in the Netherlands is thoroughly regulated, in every respect. This is described in the report on article 31, which details housing policy where it concerns the promotion of housebuilding, the quality of housing, basic provisions (Housing Act (*Woningwet*) and the decisions based on it, see article 31 paragraph 1), the affordability of renting and buying, protecting tenants and controlling rental prices, allocation of housing and neighbourhoods and, additionally, policy on the homeless and on the eviction (and preventing the eviction) of households with debts (article 31 paragraphs 1 and 2). Anyone forced to move due to renovations is eligible for a removal allowance (article 31 paragraph 1).

Policy on family housing falls under this.

Given developments in housebuilding in the reporting period, emphasis is also placed on the development in the size of households (see the answer to question a on the 18th report), and housing policy targeting low/lower-income households. Housing benefit sets out specific conditions and benefits for one-person/multi-person households, the elderly, single people and larger families.

Special policy has been developed for priority target groups, encompassing not only the homeless and people with debts (and those who are faced with eviction) but also the elderly, people with disabilities and people of non-Dutch origin.

LOWER INCOME GROUPS

Lower-income households are targeted both by regulations to limit housing costs, and by being offered social housing (see report article 31 paragraph 1).

Housing benefit, home purchase grants and, to a lesser degree, loans for first-time buyers are made available to tenants and/or buyers belonging to lower income groups.

The Housing Benefit Act covers a number of different types of household (see report article 31):

- Four categories of household are identified: one-person and multi-person households, and elderly (the over-65s) and non-elderly households.
  Higher income thresholds apply to multi-person households than to one-person households; elderly households pay a slightly lower personal contribution and have a slightly lower income threshold (related to compensation through other tax- and income-related measures).
- The capping threshold is higher for larger households, consisting of three or more people, than it is for those consisting of one or two persons. This benefits the former.
- Single people receive an allowance over and above the capping threshold.
- Large families of eight or more persons have a higher rental threshold; a larger (and often more expensive) home is suitable for such families.
- The maximum rental threshold for tenants under 23 is lower, as they still have the opportunity to move up the housing ladder.

When allocating social housing, municipalities can prioritise specific groups, including lower-income groups and other priority target groups.

The report on article 31 also examines the agreement reached by the European Commission and the Dutch Minister for Housing, Communities and Integration on the rules regarding state aid for housing associations in December 2009. This will allow the important work carried out by housing associations in providing housing for people who have difficulty getting on to the housing ladder to continue, alongside their contribution to the quality of life and to building social property such as community centres, youth centres or community schools in villages and neighbourhoods (see report on article 31). This move has also safeguarded the funding of the Strong Communities Action Plan through special project support.

PRIORITY TARGET GROUPS

The elderly and the disabled
Housing policy for the elderly and people with disabilities focuses on enabling them to live independently for as long as possible, providing home help where necessary. The housing stock needs to be able to accommodate this. Every three years a list is drawn up of the number of elderly- and disabled-adapted homes required. This can be met either through building new homes or by adapting existing ones. Municipalities can also help by ensuring that suitable social housing is allocated to those with disabilities. The Ministries of Housing, Spatial Planning & the Environment (VROM) and Health, Welfare & Sport (VWS) draw up a joint action plan to ensure that the provision of adapted housing is placed on the agenda of the local parties responsible.

The scope of the Equal Treatment of Disabled and Chronically Ill People Act (*Wet gelijke behandeling op grond van handicap of chronische ziekte*) was broadened in 2009 to include housing. The Act gives people more scope for taking steps on their own initiative should they feel discriminated against because of a handicap or chronic illness. Alterations to, or in, accommodation such as a stair-lift, handrails etc. are covered not by this Act, but by the Social Support Act (*Wet maatschappelijke ondersteuning)*, which is implemented by municipalities.

The Housing Benefit Act (*Wet op de huurtoeslag*) gives the elderly and the disabled a number of advantages:

- The elderly and the disabled (just like single people) are eligible for higher housing benefit payments for more expensive accommodation exceeding the capping threshold.

- The disabled are entitled to benefit for more expensive housing above the maximum rental threshold, if it is equipped with features they need because of their disability. The latter condition does not apply to young disabled people aged 22 and under.
- Under certain conditions housing benefit is available to residents of accommodation rented for use as sheltered accommodation (i.e. for the disabled), sheltered housing for the elderly, or for a comparable purpose.

Refugees and asylum seekers
On 1 January 2008 there were 16.4 million people living in the Netherlands. Of these people 20% (3.2 million) were of non-Dutch origin. The government's definition of ethnic minority (*allochtoon*) is: *A person living in the Netherlands, at least one of whose parents was born abroad.* Half are first-generation immigrants, and half second-generation immigrants. Of the 3.2 million, 55% have a non-Western background. These non-Western immigrants are primarily Turkish, Moroccan, Antillean and Surinamese, followed by Chinese, Iraqis, Afghans, Iranians and Somalis. In recent years there has been a new influx from new EU countries including Poland, Bulgaria and Romania.

Since the 1970s the Netherlands has pursued a policy of admitting refugees. The number of asylum seekers rose sharply over the following 20 years, leading to the introduction of the Aliens Act 2000 (*Vreemdelingenwet 2000*) and a considerable drop in numbers. Over the years the Dutch government has developed various initiatives to assist the return of failed asylum seekers to their country of origin. In 2007 a general amnesty was declared for asylum seekers who had submitted their asylum application before the Aliens Act 2000 was introduced and had not yet been informed of the decision on their status. This affected some 25,000 asylum seekers. More than 400 municipalities were given the task of housing them; an Accommodation for Holders of Refugee Status Task Force was set up. By 1 July 2010, 98% of this group had been housed.

Since the 1990s the Dutch government has operated a policy of housing asylum seekers together while their case is being examined. Once they have been granted residence status, they are allocated permanent accommodation, usually in the form of social housing. The Central Agency for the Reception of Asylum Seekers (*Centraal Orgaan Opvang Asielzoekers*) has been responsible for the reception and accommodation of asylum seekers since 1994. Asylum seekers stay at an asylum seekers' centre until their housing application has been accepted by the Immigration and Naturalisation Service (*Immigratie- en Naturalisatiedienst*). The municipality will then look for suitable housing, usually in consultation with a housing association.

It is compulsory for municipalities to house a certain number of asylum seekers who hold a residence permit. About 0.2% of available accommodation is reserved for this group. This was not a problem until 2000, but then an increasing lack of available properties on the housing market resulted in a shortage of housing for refugees granted residence permits. This was addressed by an amendment to the Housing Allocation Act (*Huisvestingswet*). Municipalities are responsible for providing housing for a certain quota of refugees granted residence permits. The provinces monitor the implementation of this task.

On 1 June 2010 a new Home Allocation Task Force was set up to accelerate the process. The task force is responsible for giving municipalities advice and practical help so they can catch up on arrears and improve the system whereby refugees granted residence permits are allocated to various municipalities throughout the Netherlands. The task force also takes account of study and/or work opportunities for refugees. The task force's work is expected to end on 1 July 2011.

For information on accommodation for nationals of Central and East European countries (*MOE-landers)* see article 19, third question of the European Committee for Social Rights.

Under the Housing Allocation Act, housing associations have to prioritise persons who are having difficulties in finding appropriate accommodation due to their level of income or other circumstances, e.g. former psychiatric patients, former offenders etc. Housing associations have no specific responsibilities with regard to labour migrants. Freedom of movement within the EU means that migrants can register at a municipality and apply for social housing, with exactly the same rights as Dutch people. However, the waiting-list system operated by many cities means it is difficult to find accommodation, and some people turn to alternative (sometimes illegal) ways of finding accommodation.

The fact that many labour migrants from Central and Eastern European countries (CEECs) only stay temporarily in the Netherlands tends to mean that temporary accommodation is more suitable than permanent housing.

In both cases, municipalities have a legal responsibility to uphold public order and ensure the quality of buildings used as dwellings, which is set out in the following legislation: the Municipalities Act (*Gemeentewet*), General Administrative Law Act (*Algemene Wet Bestuursrecht*), Housing Act (*Woningwet*), municipal building bye-laws (*bouwverordening*), the land-use plan (*bestemmingsplan*) and general municipal bye-laws (*Algemeen Plaatselijke Verordening*).

Furthermore, migrants, whether they rent a room or have a more permanent arrangement, can apply to the rent commissions (*huurcommissies*) for advice. These are independent organisations responsible for mediating in tenant-landlord disputes concerning maintenance, rental and service costs for rental properties in the regulated sector.

Some statistics

The size of the migrant flow from current and potential new CEECs is strongly dependent on economic factors such as the demand for labour in the Netherlands and the level of wages in CEECs. Migrants follow market demands, and will travel to where they can obtain the most profitable employment. In that sense, the current financial crisis may have a strong influence on future migrant flows. Fluctuating exchange rates with countries such as the UK and Norway also play a role, as do exchange rates between CEECs and the Netherlands (i.e. the euro). The general impression is that growth in the volume of CEEC migrants has stabilised over the last year. Changes are to be expected regarding countries of origin. The percentage of Poles (currently still at 80-90%) is likely to decrease in coming years, while the proportion of Romanians and Bulgarians remains relatively modest (those who wish to come to the Netherlands have already done so). In the future we are likely to see more migrants from the Ukraine and eastern Hungary brought to the Netherlands through the involvement of intermediaries. Current information suggests that there are an average of 150,000 legal CEEC migrants in the Netherlands at any given time. It is estimated that there is a sizable group of illegal migrants (who are not paying income tax and social insurance contributions). It is very difficult to estimate the size of this group; some estimations suggest it equals the legal group in size, while others point to figures between 20,000 and 50,000 people. As they operate on the black market (i.e. either they or their employers avoid paying income tax and social insurance contributions) they are likely to end up in illegal accommodation.

Roma, Sinti and caravan dwellers

The group of 3,000 Roma admitted to the Netherlands in 1979 under the general amnesty are housed in 11 municipalities, known as the Roma municipalities. The number of Roma in the Netherlands is now estimated to be 10,000.

Between 3,000 and 4,000 (most of whom are Sinti) live in caravan parks, which is their own choice. There are estimated to be a further 30,000 ethnic Dutch living in caravan parks (see the 'Building Inclusion' report, www.SCP.nl).

The Caravan Act (*Woonwagenwet*) was in force between 1918 and 1999. Since then each municipality has been responsible for determining its own policy, and a period of centralisation of caravan parks has been followed by a period of decentralisation. More than 40 municipalities now host a caravan park of 100 caravans or more, totalling 1,140 locations with 8,000 caravans. In 2008 it was estimated that an extra 3,000 caravan plots are required. It should be noted that the caravans used nowadays are more akin to chalets. They are not mobile, and have a total surface area comparable to an average-priced family home.

The main message of central government policy on Roma in the Netherlands, as set out in the letter to parliament of 26 June 2009, is that the problems identified with local Roma population by Roma municipalities, i.e. a disproportionately high crime rate, extreme truancy rates and antisocial behaviour, is primarily a local matter (see annex).

In terms of housing, Roma municipalities note that family homes where Roma are accommodated are not designed for long-term habitation by countless family members. This causes problems with the neighbours and can result in tense, or even hostile, relations. All these problems are local in character.

In terms of addressing the problem, the letter sets out the following principles and government response:

'The local character of the various problems associated with the Roma does not alter their gravity. The first general principle observed by central government in implementing the motion is that the municipalities themselves are responsible for dealing with the problems of the local Roma population. Having said that, central government in no way wishes to diminish the urgency and severity of these problems.

What this means is that solutions will mainly have to be sought at local level and that central government does not intend to introduce new policy specifically targeting the Roma. Success will be achieved through the effective implementation of standard policy, and the instruments it offers, at local level. The spectrum of measures and instruments provided for by standard policy is not being used to its full potential [.....]

[…..]Response by central government

Central government takes the position that the problem should be dealt with primarily at local level and that municipalities should be encouraged to use existing measures and available instruments to tackle the problems identified among segments of the Roma population. To encourage the municipalities in that direction, greater expertise is necessary.

By letter of 22 October 2008 (House of Representatives 2008-2009, 20 454, no. 93), the State Secretary for Health, Welfare and Sport reported on the progress made in establishing a

national support office for Sinti and Roma. Development of the office is at an advanced stage. Once complete, it will work for and with all levels of government, civil society organisations, Sinti and Roma, and other members of the public. With its many contacts at all levels and with all target groups, it will have a good picture of the general situation and will fulfil the role of knowledge broker. There is considerable public support for the creation of this support office and for the methods it will use.

At the aforementioned meeting of 13 May with the 'Roma municipalities', a number of participants expressed their doubts about the nature of the support office. They would prefer to see an organisation devoted solely to their needs, with a role for the Association of Netherlands Municipalities (VNG).

The support office was set up with funding provided by central government as compensation for shortcomings in the redress afforded to Sinti and Roma following the Second World War. The funds have been specifically earmarked to improve the situation of Sinti and Roma in the Netherlands and cannot be used for any other purpose. It goes without saying that the office will maintain good ties with the VNG, and with any other organisations that can help improve the social position of Sinti and Roma in the Netherlands while respecting their distinctive identity.

The 'Roma municipalities' are seeking to acquire knowledge related to setting boundaries and creating opportunities – or to put it in professional terms: law enforcement and social care. The support office, which is being financed by the Sinti and Roma Restitution Fund, will work hard in a variety of areas to bolster the position of these groups. These efforts will centre on creating opportunities for the community. To support the two-pronged approach referred to above, I will be setting aside €60,000 for the 2010-2012 period for the VNG, which gives municipalities substantive support with best practices related to law enforcement, especially administrative law. One of the main ways of doing this is by facilitating intermunicipal cooperation.

Effective policy depends not only on expertise but also on the systematic involvement of the Roma community at local level in policymaking that affects them. To make this possible, the municipalities concerned have a duty to find allies within the local Roma community and to remind them of their responsibility for their community's position […..]

[…..] Central government is well aware that establishing a dialogue with minorities is no easy task. This is one of the reasons the National Ethnic Minorities Consultative Committee, based on the Minorities Policy (Consultation) Act (Bulletin of Acts and Decrees 1997, 335) was set up: to serve as an example for local authorities.'

The national support office has now been set up and is financed by the government. Known as the Dutch Institute for Roma and Sinti, it has been operational since 14 October 2009 www./NISR.nl.

The benefits paid out by the Sinti and Roma Restitution Fund as part of the World War II assets restitution project have in some cases pushed people over the threshold for eligibility for housing benefit. An exemption has therefore been introduced, so Sinti and Roma receiving this benefit will not lose their housing benefit as a result.

More information about housing policy in the Netherlands can be found at www.rijksoverheid.nl/themas/bouwen-wonen-en-leefomgeving. You are also referred to the combined fourth and fifth periodic reports of the Netherlands, p. 63 onwards (article 10).

Questions from the European Committee of Social Rights

arising from the previous (18th) Dutch report

a. The Committee takes notes of many steps that have been taken to speed up housing construction. It asks for the next report to state whether families' needs are being taken into account in this process and, if so, in what way.

Dutch initiatives to stimulate housebuilding are detailed in the report on article 31.

The guiding principle in housebuilding and urban renewal policy is regional cohesion in the scope and form of municipal construction programmes and the diversity they offer. This principle is safeguarded by the housebuilding agreements made for the 2005-2010 period, signed by the 30 biggest urban municipalities and other affected regional authorities responsible for shelters as well as central government, regional administrative authorities and provinces. This in itself is sufficient safeguard of agreement on cohesive housebuilding.

Diversity helps create differentiated residential neighbourhoods, in which suitable homes are available for a number of different income groups. It also helps combat segregation in existing residential areas (undergoing reconstruction) and new areas alike. That is why differentiation, and therefore diversity, is a guiding principle of urban renewal agreements for the period 2010 to 2020.

It does not follow from the agreements central government makes with regional administrative authorities and local governments that it determines what is built. It is up to local government and other parties involved to determine the shape, quality and diversity of building programmes. It is also important that programmes meet the housing needs of potential buyers. The parties involved are answerable to the Minister for Housing, Communities and Integration on this point.

The following summary shows the kind of homes built in the Netherlands in the period between 2005 and 2009. In this period the trend has been towards more new homes, a higher proportion of which have fewer rooms. This reflects the needs of increasingly small households (see report on article 31, paragraph 1.3).

Source Table 3: New homes 2005-2009 in the Netherlands

	2005	2006	2007	2008	2009
New family homes [homes]	47,170	47,019	49,453	48,111	47,961
New flats/apartments [homes]	19,846	25,363	30,740	30,771	27,408
New family homes as percentage of all new homes [%]	70.4	65	61.7	61	63.6
New flats/apartments as percentage of all new homes [%]	29.6	35	38.3	39	36.4
New homes – 3 or fewer rooms [homes]	21,279	24,841	29,376	30,553	26,801
New homes – 4 rooms [homes]	34,893	36,840	37,426	34,674	36,074
New homes – 5 or more rooms [homes]	10,844	10,701	13,391	13,655	12,494
New 3-room (or smaller) homes as percentage of all new homes [%]	31.8	34.3	36.6	38.7	35.6
New 4-room homes as percentage of all new homes [%]	52.1	50.9	46.7	44	47.9
New 5-room (or larger) homes as percentage of all new homes [%]	16.2	14.8	16.7	17.3	16.6
Total new homes [homes]	67,016	72,382	80,193	78,882	75,369

ABF Research – Housing survey
(Syswov)

b. In its previous conclusion (Conclusions XVII-1, Netherlands, p. 330) the Committee asked for information about the follow-up to the bill being introduced to amend the rules on estates held in common. The report states that the bill is still being examined in Parliament. The Committee therefore asks for further information on these developments in the next report.

It is correct that the bill is still being considered by the States General. When considering the bill to amend titles 6, 7 and 8 of Book 1 of the Civil Code (*Burgerlijk Wetboek*) (amending general community of property, no. 28 867), the Senate of the States General unanimously voted to adopt a motion brought by member Cathrijn Haubrich-Gooskens and others. In essence, the motion asked the government to investigate which articles in titles 6 to 8 of Book 1 need to be amended as a consequence of the Anker amendment adopted by the House of Representatives, taking particular account of a number of the articles referred to in the motion, and to report on this to the Senate. The Minister of Justice promised the Senate that the motion would be implemented.

In July 2010 the Minister of Justice was advised by Professor A.J.M. Nuytinck and Mr P. Neleman that the Anker amendment had caused an imbalance in two of the articles, as referred to in the motion, and that these articles should be amended by submitting an amending bill (*novelle*) as soon as possible.

A response to this advice is currently being drafted.

c. Parents will be required to negotiate an agreement in which they set out how their responsibilities for the care, upbringing and development of their children will be shared. The use of mediation, at the request of the parents or the courts, is also considered when negotiating this agreement. The Committee also asks for more information on this subject.

On 1 March 2009 the Shared Parenting and Responsible Divorce and Separation Act (*Wet bevordering voortgezet ouderschap en zorgvuldige echtscheiding*) entered into force. Under the Act, parents who are divorcing, ending a registered partnership or legally separating are obliged to make agreements about the care of their minor children, and to set these agreements out in a parenting plan (*ouderschapsplan*).The parenting plan must be submitted together with a petition for divorce/termination of a registered partnership/legal separation. The requirement to draw up a parenting plan also applies to separating parents who are not married or do not have a registered partnership but who exercise joint authority over their children. The underlying principle is that the parents will continue to share authority over their children after the separation. The parenting plan must include information on the following three important issues: the division of care responsibilities, child maintenance payments, and the exchange of information concerning their children or their children's property. Parents can call in a mediator to help them draw the plan up. Judges can also refer parents to a mediator.

d. It notes that a bill on restraining orders for perpetrators of domestic violence was to be put before parliament in 2005. The Committee would like to be informed on these developments.

The Temporary Domestic Exclusion Order Act (*Wet tijdelijk huisverbod*) entered into force on 1 January 2009. The domestic exclusion order means that, where there is an acute threat (or serious grounds for suspicion of an acute threat), a perpetrator of domestic violence will be excluded from his or her home and will be forbidden to contact his or her partner or

children for a period of ten days. The mayor can extend the exclusion order for up to four weeks.

e. The Committee notes that advice and support centres for victims were to be opened by 1 January 2006. It would like to know if they have actually opened.

Yes, a national network of 41 advice and support centres for victims of domestic violence is now open.

f. The Committee notes, however, that according to the comments of the Netherlands' Trade Union Confederation (FNV) on the Dutch report, single-parent families do not often have high enough incomes – and hence do not pay enough taxes – to benefit from these tax relief measures. The Committee asks for the Government's comments on this.

On 1 January 2008 the child tax credit (*kinderkorting*) was replaced by a means-tested child allowance (*kindgebonden budget*). As a result lower-income families also benefit. The guaranteed minimum income for single parents receiving social assistance is higher than for other single people (90% of the statutory minimum wage as opposed to 70% of the statutory minimum wage). They also receive the single-parent tax credit (*alleenstaande ouderkorting*) in full.

The means-tested combination tax credit and the supplementary single-parent tax credit are intended to make the combination of working and caring more attractive. This encourages single parents and lower-earning partners to participate in the workforce. Another incentive for participation is the means-tested childcare benefit (*inkomensafhankelijke kinderopvangtoeslag*), designed to make childcare more accessible for people on low incomes.

Article 17 – The right of children and young persons to appropriate social, legal and economic protection

With a view to ensuring the effective exercise of the right of children and young persons to grow up in an environment which encourages the full development of their personality and of their physical and mental capacities, the Parties undertake, either directly or in co-operation with public and private organisations, to take all appropriate and necessary measures designed:

1. a. to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;
   b. to protect children and young persons against negligence, violence or exploitation;
   c. to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;
2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

Article 17§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of public and private schools, their geographical distribution in urban and rural areas, average class sizes and the ratio teacher per pupil; figures on primary and secondary school enrolment; on the number of children in the care of the State, the number placed with foster families and in institutions, the number of children per unit in child welfare institutions; on the number and age of minors in pre-trial detention or imprisoned or placed in a disciplinary institution.

Article 17§2

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
3) Please provide pertinent figures, statistics or any other relevant information, in particular on the number of children failing to complete compulsory schooling dropping out of education without qualifications and on measures to combat absenteeism.

For answers to these questions, please see the Combined Fourth and Fifth Periodic Reports of the Netherlands (article 12, from page 74 onwards and article 13).

Negative conclusions of the European Committee of Social Rights

The Committee concludes that the situation in the Netherlands is not in conformity with Article 17 of the Charter on the ground that all forms of violence against children are not prohibited.

There is specific legislation in the Netherlands concerning corporal punishment and children. On 25 April 2007, an amendment to the Civil Code prohibiting the use of all forms of

violence, including 'for educational purposes', entered into force. The provision explicitly imposes a duty on parents to refrain from using any form of mental or physical violence in raising their children. The change in the Civil Code has already had an impact on the effectiveness of the provisions in the Criminal Code prohibiting child abuse, since a suspect of child abuse is no longer able to claim that he or she merely used corporal punishment to discipline the child.

Furthermore, in 2009 the prosecution of child abuse was improved through the adoption of specific guidelines (Directive on investigating and prosecuting child abuse (Government Gazette. 2009, 115)). The Directive prescribes the course of action to be taken by the Public Prosecution Service in cases involving child abuse, defined as: 'any threatening or violent interaction of a physical, psychological or sexual nature with a minor, actively or passively pursued by a parent or other person with whom the minor is in a dependent or subordinate relationship, which interaction causes or threatens to cause serious damage to the minor in the form of physical or psychological injury.'

Questions from the European Committee of Social Rights

arising from the previous (17th) Dutch report

a. The Committee notes that there has been a rise in reports of child abuse. It takes note of the various initiatives for the prevention, the detection and the reporting of child abuse and asks that the next report contain more details on the results of these initiatives.

The above remarks were made in connection with article 17 and their source was Table 4, which is based on figures supplied by the Netherlands Institute for Care and Welfare. Since 2002 the MOgroep Jeugdzorg (an association of youth care providers) has been responsible for collecting these data, which are still supplied by the Advice and Reporting Centres for Child Abuse and Neglect (AMKs). Anyone who is concerned about a child can call an AMK. The Centres give advice, possibly followed by a consultation. If the decision is taken to investigate, then a report of child abuse becomes official.

Table 4	2006	2007	2008	2009
Reports	13,815	16,932	16,156	16,574
Advice & consultations	27,729	33,643	36,790	42,865

Source: MOgroep Jeugdzorg, AMK. 2009 figures.

The number of investigations prompted by a report has been growing steadily for some time, though it would seem to have stabilised in recent years. The figures relating to advice and consultations have also been rising. This is partly due to greater familiarity with the AMKs among professionals and members of the public. In recent years a number of publicity campaigns have focused attention on child abuse and what people can do if they suspect it is occurring. Agreements have also been made between organisations such as hospitals in a particular region, or professional groups, such as the police, on calling in the AMK when they suspect child abuse. Legislation is in preparation on a reporting code for domestic violence and child abuse which will be compulsory for professionals.

Obviously, Table 4 does not show the numbers of children actually abused in a particular year, merely how often suspicions are reported. The prevalence of child abuse is estimated at 107,000 cases annually (Source: Leiden University, the National Child and Youth Abuse Prevalence Study (NPM-2005), 2007).

In 2007 the Interministerial Programme for Youth and Families devised an action plan ('Children Safe at Home'), which was implemented in the period 2008-2010. The plan sets out four key objectives: preventing parents from abusing or continuing to abuse their children, identifying cases of abuse, halting abuse and limiting the harmful effects of child abuse.

The results of the action plan and its key objectives will be built on further in the next few years. Major follow-up activities in 2011 include a publicity campaign entitled Tackling Child Abuse, and the Regional Approach to Child Abuse (RAK). The Domestic Violence and Child Abuse Reporting Code Act will probably come into force in 2011. Organisations and professionals will then be obliged to work according to a reporting code that stipulates how they should handle suspicions of child abuse. In the next few years the focus will be on improving professionals' expertise in identifying child abuse and working in accordance with the code. In 2010 the Netherlands Organisation for Applied Scientific Research (TNO) and Leiden University launched the second prevalence study, while the Health Council has begun investigating the care available for victims of child abuse. Both studies are expected to be concluded in 2011.

b. The Committee asks how many children were placed in non-residential care as well as up-dated figures on children placed in all other types of institutions. It repeats also its request for information on the number of families in receipt of assistance and supervision from a family supervision agency.

The most recent data available are as follows.

Table 5: Children placed in different types of care in 2006 and 2007 *

	2006	**2007**
Peripatetic care	21,446	21,429
Day care	4,815	4,551
Foster care	6,301	6,697
Residential care	6,932	6,081
Crisis care	5,117	6,582

* These figures do not relate to specific children, since a single child may receive multiple types of care in one year, e.g. peripatetic and residential care.

Table 6: Children placed in secure youth care (*gesloten jeugdzorg*) *

	2008	**2009**
Residential care (secure)	1,493	1,421

* secure youth care is a restricted type of residential care that did not exist in 2006 and 2007

c. The Committee considers that a unit should not accommodate more than 10 children. It therefore asks how many children are accommodated in the units in child welfare institutions.

The groups in secure youth care consist of a maximum of ten children.

d. The Committee asks that the next report explain the role, legal and otherwise, of a guardian or other care taker in an institution with regard to the care of children.

What does a guardian do?
Both natural persons and institutions (a youth care office) may take on the role of 'guardian', their tasks being laid down by law.

Supervision
Guardians are responsible for ensuring that a child is well cared for and raised in a foster family or care institution, or is helped to live independently. They have regular contact with the child and are alert to the possibility that he/she may need special care, for example psychological treatment or speech therapy.

Legal representation
The guardian is also the child's legal representative, in matters such as applying for a passport or registering at a school.

Property
The guardian is responsible for the proper management of the child's estate.

How long does guardianship last?
Guardianship ends when the child in question reaches the age of majority (18).

e. The Committee requests information on regulations concerning staff qualifications and training and wage levels of staff in child care institutions.

As of 2013, there will be two recognised professions working in youth care institutions: that of 'youth care worker' (graduates of an institution of higher professional education and 'behavioural scientist specialising in youth care' (university graduates). To be admitted to the profession, candidates must have a qualification which meets the criteria applying to a HBO qualification or a university degree in psychology or special education. The specific requirements are laid down in two competence profiles. At the same time as statutory registration enters into force, a five-yearly re-registration requirement will be introduced involving in-service or further training. An ethics code and a disciplinary system will be developed. On this basis the professions will themselves regulate the quality of care provided.

Salaries in youth care vary according to job and increments. Staff working in primary youth care earn between €1,920 (for an activity supervisor who is just starting out) and €5,035 per month for an experienced child psychiatrist (figures from 2008).

f. The new Youth Care Act provides for a procedure to complain about care in institutions. The Committee takes notes of the procedures for filing complaints and asks that the next report indicate the number of complaints filed and the remedies provided.

According to information supplied by the MOGroep Jeugdzorg (2008 Youth Care Sector Report), all youth care offices and national institutions had a complaints mechanism in place in 2008. The 15 youth care offices and national institutions (out of a total of 21) that participated in the MOgroep study received 702 complaints of which 49% were found to be justified or partly justified. Eighty-eight per cent of the offices and institutions have a confidential adviser who can assist clients in lodging a complaint. The advisers had an average of 115 such contacts per institution.

Furthermore, all providers of youth care have a complaints mechanism. Forty such organisations indicated that they had received a total of 147 complaints, of which 35% were found to be justified or partly justified. Ninety-three per cent have a confidential adviser. In 2008, a total of 70,000 young people made use of youth care services. This means that around 1% of clients lodged a complaint with an external complaints body.

In 2008 the National Ombudsman received a total of 159 complaints about youth care institutions (2008 Annual Report). Twenty-eight of these were investigated. In six cases the Ombudsman issued a report. The majority of the complaints were referred back to the youth care office's complaints committee because they had not been submitted to the committee first.

Although the Youth Care Inspectorate does not handle individual complaints, it receives a number of them every year. The Inspectorate uses these complaints to increase its insight into the quality of youth care institutions. In 2007, the Inspectorate registered 145 complaints and in 2008 128 (2008 Youth Care Inspectorate Annual Report). Most of the complaints concern the way care is provided or the approach to care. The Inspectorate refers complainants back to the complaints committees, drawing their attention to the confidential advisers in the provinces.

The findings of the complaints committees are not binding on the organisations in question. Nevertheless, complaints found to be justified are often followed up and management draw up points for improvement on the basis of the committees' annual reports and the total number of complaints received.

g. The Committee asks whether children themselves may actually file complaints.

All clients in youth care, including the children themselves and their parents, may lodge a complaint.

h. The Committee repeats its request for information on conditions under which an institution may interfere with a child's property, mail, affect personal integrity as well as the right to meet with persons close to him.

Every provider of secure youth care draws up its own internal rules, covering matters such as visiting hours, visitor screening, objects which for security reasons juveniles may not have in their possession, etc. (article 29n, Youth Care Act).

Articles 29o to 29u of the Youth Care Act concern measures which restrict the liberty of juveniles residing in a secure institution and the circumstances in which they may be applied, i.e. if they form part of the care plan. Examples of such measures include:
- body and clothing searches;
- searches of the room occupied by a juvenile for prohibited objects;
- checks on mail for or sent by juveniles for certain objects (only carried out in the presence of the person concerned).

i. The Committee takes note of the different types of treatment centres and repeats its request for information on the criteria for admission to these centres.

A court judgment is the only criterion for admission. This determines whether the juvenile in question will be remanded to an institution for young offenders (*Justitiële Jeugdinstelling*, JJI) and for how long. The question of which institution the person will be sent to depends on their sex, place of residence (regionalisation), IQ and the problem at issue. The latter is often assessed on the basis of existing files and if necessary on personality tests carried out before the court gives judgment. In addition, at the beginning of treatment in the institution itself, screening instruments are used to help in drafting the treatment plan.

Each institution has a number of specialised wings, each dealing with a specific problem:

- a Forensic Observation and Counselling Wing (FOBA) for juveniles who are experiencing a psychological crisis and need to be stabilised;
- a wing for juveniles with a minor mental disability (LVG) (with an IQ of between 55 and 80);
- a Highly Intensive Care Wing (VIC) for juveniles requiring extra assistance as a result of a psychiatric disorder or personality disorder;
- a wing for juveniles with serious sexual problems (ESP);
- an Individual Counselling Wing (ITA) for juveniles who disturb the group process to such an extent that they have a negative influence on their peers. These youngsters receive individual treatment in the ITA wing.

j. The Committee recalls that according to its case law prison sentences should only exceptionally be imposed on young offenders and they should only be for a short duration. It asks that the next report provide more details on the above possibility of sentencing young offenders to life imprisonment, whether any young offenders are indeed sentenced to life imprisonment or an imprisonment of up to 20 years.

Under the Dutch legal system juvenile criminal law applies up to the age of 18. Life sentences may not be imposed on persons subject to the juvenile criminal law. Juveniles who were 16 or 17 years old at the time they committed the offence may be tried under adult criminal law if the court sees fit. Even so, a life sentence may not be imposed on juveniles tried under adult criminal law (article 77b, paragraph 2, Criminal Code).

k. The Committee asks that the next report provide information on the number of young offenders in pretrial detention.

In 2007, 2,319 juveniles were ordered to be held in pre-trial detention, compared to 2,023 in 2008 and 1,852 in 2009.

Article 19 – The right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;
2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;
3. to promote co-operation, as appropriate, between social services, public and private, in emigration and immigration countries;
4. to secure for such workers lawfully within their territories, insofar as such matters are regulated by law or regulations or are subject to the control of administrative authorities, treatment not less favourable than that of their own nationals in respect of the following matters:
   a. remuneration and other employment and working conditions;
   b. membership of trade unions and enjoyment of the benefits of collective bargaining;
   c. accommodation;
5. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals with regard to employment taxes, dues or contributions payable in respect of employed persons;
6. to facilitate as far as possible the reunion of the family of a foreign worker permitted to establish himself in the territory;
7. to secure for such workers lawfully within their territories treatment not less favourable than that of their own nationals in respect of legal proceedings relating to matters referred to in this article;
8. to secure that such workers lawfully residing within their territories are not expelled unless they endanger national security or offend against public interest or morality;
9. to permit, within legal limits, the transfer of such parts of the earnings and savings of such workers as they may desire;
10. to extend the protection and assistance provided for in this article to self-employed migrants insofar as such measures apply.
11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;
12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Article 19§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

3) Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.

No new developments. See page 77 of the 18th report.

Article 19§2

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.*

No new developments. See page 77 of the 18th report.

Article 19§3

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, including the patterns of emigration and immigration between States party for employment purposes.*

No new developments. See page 77 of the 18th report.

Article 19§4

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, in particular concerning the number of migrant workers, if possible, which have had access to subsidised housing.*

No new developments.

Article 19§5

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments. Please see previous report.

Article 19§6

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, in particular on the number of applications for family reunion, and the percentage of applications which were granted and turned down, respectively.*

The Netherlands has introduced a fast-track admission procedure for the family members of highly skilled workers who apply for admission after the highly skilled worker has already been admitted. In practice, a decision can be taken within two weeks of the application being received. An established fast-track procedure already exists for family members who apply for a residence permit at the same time as the highly skilled worker him/herself.

There are no other new developments. See pages 78-79 of the 18th report.

Article 19§7

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments. See page 80 of the 18th report.

Article 19§8

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, in particular on the number of migrant workers nationals of States party served with an expulsion order.*

No new developments. See pages 85-87 of the 18th report.

Article 19§9

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments in the legal framework. As a service to foreign workers, the Ministry of Foreign Affairs launched a new website (www.geldnaarhuis.nl) in 2009 with information about the most efficient way to send remittances to the country of origin**.**

Article 19§10

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information, if appropriate.*

No new developments. See page 87 of the 18th report.

Article 19§11

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the national language of the receiving State.*

The Netherlands has a system of civic integration for migrants, which covers knowledge of the Dutch language and Dutch society. For certain migrant groups, civic integration is compulsory, for others it is voluntary.

Immigration is regulated by two laws:

1. The Civic Integration Act regulates integration after arrival in the Netherlands.
2. The Civic Integration (Preparation Abroad) Act regulates preparation in the country of origin prior to arrival in the Netherlands.

Relevant information about both acts of parliament is set out below.

Civic Integration Act

Civic integration is regulated by the Civic Integration Act. It is compulsory for all foreign nationals aged 18 to 65 from outside the EU who are permanently resident in the Netherlands. The following are exempt:

- nationals of the EU, EEA or Switzerland;
- persons holding Dutch nationality (including naturalised aliens);
- persons who lived in the Netherlands for at least 8 years while of compulsory school age.

Foreign nationals may also be exempted if they possess certain certificates or diplomas which show that they have sufficient knowledge of the Dutch language and Dutch society. Compulsory civic integration entails acquiring knowledge of the Dutch language and Dutch society.

The legal requirement is normally met by taking the civic integration examination or obtaining another diploma which leads to exemption. Voluntary candidates are usually naturalised Dutch citizens, EU/EEA or Swiss nationals who have not integrated and cannot be obliged to do so on legal grounds.

Dutch municipalities are obliged to provide civic integration training for clergy and asylees for whom integration is compulsory. They have a free hand as to the type of training they offer to mandatory and voluntary candidates, including courses leading to the state examinations in Dutch as a second language (NT2), or giving access to secondary vocational education (MBO), level one or two.

Individuals for whom civic integration is compulsory, but who wish to choose courses themselves can apply to the Education Executive Agency for a loan of up to €5,000 and/or reimbursement of costs of up to €3,000 for a course at training institutes that have been awarded a Civic Integration Quality Mark.

Civic integration examination

The civic integration examination is in two parts: the central part and a practical test at local level.

The central part has three sections:

(a) a computer-based test of practical knowledge (EPE);

(b) an oral Dutch-language tests (TGN);
(c) knowledge of Dutch society (KNS).

The practical test consists of field assignments for a portfolio and/or assessments. To be eligible for the civic integration certificate, candidates must pass both parts of the examination.

Social Participation (Budget) Act

The Social Participation (Budget) Act entered into force on 1 January 2009 and took effect in all Dutch municipalities in 2010. It combines the following three funding flows:

- civic integration (Ministry of Housing, Spatial Planning and the Environment);
- adult education (Ministry of Education, Culture and Science);
- and reintegration (Ministry of Social Affairs and Employment).

Municipalities receive an annual social participation budget through the Ministry of Social Affairs and Employment to spend on civic integration training, adult education and reintegration, or a combination. They are free to use the budget as they see fit, subject to certain procurement rules relating to adult education.

The aim of the social participation budget is:

- to give municipal authorities greater freedom to make their own policy choices so that they can tailor their provision more effectively to the target group and help clients participate more fully;
- to lighten municipalities' administrative burden.

Extra input in 2010

In 2010 an additional one-off amount of €75 million was released to boost civic integration in that year. The extra funding is for members of the target group that have previously been difficult to reach, such as voluntary participants and immigrants who are required to undergo civic integration but find it difficult to combine work with attending courses.

Extra efforts at the 'Werkpleinen' (local employment offices) to combine civic integration with partial unemployment benefit or reintegration, more focus on integration in the workplace and preparatory courses for immigrants who still find attending a civic integration course too large a step will ensure that, from 2010, more voluntary candidates attend civic integration courses.

Municipalities with plans to make extra efforts to boost take-up will also be awarded a bonus which they can use for, for example, childcare facilities and activities that enable more immigrants to take part in civic integration programmes.

Facts and figures (from 1 January 2007 to 30 June 2010)

Facilities

The table below shows the number of places on civic integration courses provided by municipalities in 2007, 2008, 2009 and the first half of 2010. Statistics are given for compulsory and voluntary participants.

Table 7

	2007	**2008**	**2009**	**2010**
Number of places provided by municipalities nationwide	9,608	45,198	49,256	24,000 (in the first half of the year)
- percentage of voluntary participants	16%	18%	22%	27%
- percentage of compulsory participants	84%	82%	78%	73%

Source: Civic Integration Information System (ISI) records as per the end of 2007, 2008 and 2009, and as projected for 1 February 2010, the Ministry of Housing, Spatial Planning and the Environment (VROM/MWWIs)'s report for 2009 and policy information for the first half of 2010.

Dual facilities

The table below shows dual facilities as a percentage of municipalities' total civic integration provision. A dual facility combines Dutch language classes with activities aimed at fostering active participation in Dutch society. Typical examples combine civic integration training with employment (paid or voluntary), reintegration, entrepreneurship, education and/or training, or parenting support.

Table 8

	2007	**2008**	**2009**	**2010 (first half)**
Percentage of dual facilities	21%	43%	48%	68%

Source: see above

Percentage of examination passes

The table below shows the number and percentage of candidates who passed the civic integration examination.

Table 9

	2007	**2008**	**2009**	**2010 (first half)**
Number of passes	693	7,327	17,582	12,119
Passes as a percentage of total candidates	85%	82%	75%	72%

Source: see above

The Civic Integration (Preparation Abroad) Act

The Civic Integration (Preparation Abroad) Act (WIB) entered into force on 15 March 2006. Its aim is to enable individuals wanting to settle in the Netherlands as clergy or for the purpose of family formation or reunification, and who therefore need to apply for an authorisation for temporary stay (MVV), to prepare in their country of origin or long-term residence, so that once they are here, they can integrate more rapidly.

The basic integration test, which can be taken at 124 Dutch diplomatic missions abroad, consists of:

- a Knowledge of Dutch Society (KNS) test with questions about living and working in the Netherlands, and about the Netherlands' history and political system;
- the Spoken Dutch test (TGN) at A1 minus level of the Common European Framework of Reference for Languages. At this level, the learner can understand a limited range of words and basic sentences and can interact in a simple way.
  To help candidates prepare, an exam package has been put together, containing the film *Naar Nederland*, sample questions on knowledge of Dutch society and exercises for the test in spoken Dutch.

Following an amendment to the Aliens Decree, published on 30 September 2010, the exam standards have been changed as follows:

- the standard of the Spoken Dutch test has been raised to A1 of the Common European Framework of Reference;
- a new Reading and Comprehension Skills test has been added, which is designed to test literacy in the Roman alphabet, and reading comprehension at level A1 of the Common European Framework of Reference.

The new, higher standards are due to be introduced on 1 April 2011.

Target group and exemptions

The obligation to sit the basic integration test abroad prior to arrival in the Netherlands applies to all foreign nationals aged 16 to 65 who:

1. are required to apply for an authorisation for temporary stay (MVV) (NB This does not apply to asylum seekers), and
2. after settling in the Netherlands as newcomers, are required to undergo civic integration under the Civic Integration Act (or, before 1 January 2007, under the Civic Integration (Newcomers) Act).

The groups affected are mainly foreign nationals who want to form a family with someone in the Netherlands (for instance by marrying), or want to be reunited with family members who live in the Netherlands. Clergy are also required to take the basic integration test before coming to the Netherlands.

Exemptions

The following categories of foreign nationals are exempt from the basic integration test:

1. citizens of the EU/EEA (the EU countries plus Iceland, Norway and Liechtenstein), Switzerland, the United States and Canada, Australia, New Zealand, Japan and South Korea;
2. family members of non-Dutch citizens of the EU/EEA and Switzerland who are nationals of a third country;
3. family members of Dutch citizens who are third-country nationals and incur the obligation to undergo civic integration if these Dutch citizens exercise their EU right to free movement;
4. Surinamese nationals who have completed at least primary education through the medium of Dutch in Suriname or the Netherlands and have written proof in the form of a certificate or declaration issued or legalised by the Ministry of Education and Community Development of Suriname;
5. foreign nationals who have come to the Netherlands for temporary purposes, e.g. work*, study or medical treatment, or as part of an au pair or exchange scheme;
6. third-country nationals who hold long-term residence status in an EU member state, provided they have met the member state's integration requirements for obtaining that status;
7. foreign nationals who have come to the Netherlands in order to seek asylum;
8. family members of foreign nationals resident in the Netherlands who hold an asylum residence permit;
9. persons who lived in the Netherlands for at least 8 years while of compulsory school age;
10. foreign nationals in possession of certain diplomas and/or certificates, referred to in the Aliens Decree, which they obtained during a previous stay in the Netherlands.

* foreign nationals with a work permit, self-employed people and highly skilled migrants and their family members.

A dispensation may also be sought on medical grounds if there are chronic medical problems likely to prevent the candidate from passing the examination.

The law also provides for individual exemption if, in view of the candidate's personal circumstances, applying the obligation to undergo integration would be extremely unfair.

Monitoring

Six-monthly monitoring reports have been issued since the entry into force of the Civic Integration (Preparation Abroad) Act (WIB) on 15 March 2006. They provide insight into the implementation of the Act and are mainly based on data from the Dutch diplomatic missions abroad. The reports also show how the Act impacts on application procedures for authorisations for temporary stay in the Netherlands. The most recent report covers the first half of 2010.

In the first half of 2010, a total of 5,097 civic integration exams were taken, of which 4,502 were sat by first-time candidates (compared with 4,596 and 4,003 in the second half of 2009). Of the candidates who took the exam for the first time, 90.8% passed and 7.2% failed. The pass rate was 3% higher than in the second half of 2009. Of the total number of candidates, 71% were women. The pass rate among men and women was 93% and 90% respectively. It was also striking that most of the candidates (80%) were aged 35 or below. The most widely represented nationalities were Turkish (21%), Moroccan (16%), Thai (6%), Chinese (6%) and Brazilian (4%). Of the total number of candidates, 23% had completed only primary education and 72% had completed secondary or higher education.

The report also shows that in the first half of 2010, the number of MVV applications (9,993) from individuals targeted by the Act was slightly higher than in the first and second half of 2009.

In the first half of 2010, 51% of the MVV applications were successful – fewer than in 2009, when the percentage was 63%. Finally, the report mentions that 3,310 exam practice packages (specially developed for candidates preparing for the civic integration exam abroad) were sold in the first half of 2010. This is approximately the same as in the second half of 2009.

The next six-monthly report is due in spring 2011.

Article 19§12

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or factual information, in particular on how migrants are being taught the mother tongue of their parents.*

The Netherlands has no policy for setting up special mother-tongue classes for the children of migrant workers. Instead, policy focuses on pupils learning or catching up on Dutch.

Babies and children with deficient language skills are given a language activation programme at the day care centre they attend. Baby and toddler clinics refer children from age 2 or 2½ to early childhood education, where they follow a language activation programme that continues into primary education. In secondary education, too, second language-learning is targeted in bridging classes.

Negative conclusions of the European Committee of Social Rights

Paragraph 6 – Family reunion

A. *The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§6 of the Charter on the grounds that welfare support benefits are not counted towards the income level above which family reunion is approved.*

Under section 16 of the Aliens Act, in order to bring his family into the country an alien must have independent means of subsistence, i.e. income from contracted employment from which the mandatory taxes and contributions are deducted, income from self-employment from which the mandatory taxes and contributions are deducted, an income-replacement benefit under one of the social insurance acts for which contributions are paid, or personal assets. 'Welfare support benefits' are not counted because social assistance benefit (*bijstandsuitkering*) is not a benefit for which contributions are paid. An alien who wishes to bring his family to the Netherlands may not rely on public funds for the income he needs to support his family.

Article 7, paragraph 1 (c) of Directive 2003/86/EC on the right to family reunification assumes that the alien has a stable and regular income which is sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. This condition is intended to prevent migration becoming too great a burden on public funds.

Paragraph 8 – Guarantees concerning deportation

B. *The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§8, on the grounds that a migrant worker's family members who have settled in the Netherlands as a result of family reunion are expelled when the migrant worker is expelled.*

The spouse or domestic partner of a foreign worker who comes to the Netherlands for the purpose of family reunification may apply for an independent residence permit for the Netherlands after having had a residence permit on the basis of his/her relationship with the foreign worker for three years. If the worker in question has to leave the Netherlands, whether or not the spouse or domestic partner loses his/her right of residence or is granted an independent residence permit in the Netherlands therefore depends on the amount of time he/she has resided in the Netherlands.

Paragraph 10 – Equal treatment for the self-employed

C. *In its Conclusions under Article 19§6 and 8, the Committee has concluded that the situation in the Netherlands is not in conformity with the Charter. Accordingly, the Committee concludes that the situation in the Netherlands is also not in conformity with Article 19§10 of the Charter.*

Paragraph 6:
Concerning the Committee's conclusion on paragraph 6, the Netherlands would like to underline that the right to family life – as stipulated in *inter alia* article 8 of the European Convention on Human Rights – is taken into account in decisions concerning family reunification.

Concerning the Committee's request for confirmation that no one in the 18-21 age group meeting the criteria has ever been denied the right to family reunification, the Netherlands would state that the Immigration and Naturalisation Service (IND) applies the policy in full to

children of migrant workers aged 18-21. Of course it is possible for an IND employee to make a mistake in an individual case. In such cases the applicant has the right to lodge an objection with the IND and thereafter to apply to a court of law. The Netherlands therefore concludes that there is a reliable system in place that allows the children of migrant workers to exercise the right to family reunification.

Paragraph 8
Concerning the conclusion of the Committee about the expulsion of family members (paragraph 8) when a migrant worker has been expelled, the Netherlands would underline that in such cases the right to family life – as laid down in *inter alia* article 8 of the European Convention on Human Rights – has always been taken into account.

Furthermore, the Netherlands would mention that paragraph 8 deals solely with the right of the worker not to be expelled unless he endangers national security or offends against public interest or morality. The state's primary task is to facilitate reunification of family members with the migrant worker (paragraph 6). The purpose of their residence is related to the migrant worker's residence, so they do not have an independent right of residence.

With regard to the position of the self-employed (paragraph 10), the Netherlands would refer to the paragraphs concerned.

Questions from the European Committee of Social Rights

arising from the previous (18th) Dutch report

Paragraph 1 – Assistance and information on migration

a. Since the report does not provide the requested information on progress made in combating racism, xenophobia, discrimination and intolerance, the Committee repeats its request for this information.

A. Measures taken by the Dutch government to combat racism and discrimination
In recent years the Dutch government has taken many measures to combat racism and discrimination. These measures are the following:

1. Municipal Anti-Discrimination Services Act
The Municipal Anti-Discrimination Services Act (*Wet gemeentelijke antidiscriminatievoorzieningen*) entered into force on 28 July 2009. This act requires municipal authorities to grant their residents access to anti-discrimination services. The role of anti-discrimination services is to provide independent assistance to persons in the settlement of their discrimination complaints and to register discrimination complaints. The municipal authorities can refer, for support, to the Manual on Local Discrimination Policy[2] issued by the Association of Netherlands Municipalities (VNG), the Ministry of the Interior and Kingdom Relations and the former Ministry of Housing, Spatial Planning and the Environment, and can exchange best practices with *inter alia* Art.1, the national association against discrimination.

2. Expert meeting on discrimination in the food and beverage service industry
The former Ministry of Housing, Spatial Planning and the Environment hosted an expert meeting on 18 August 2010 with parties in the food and beverage service industry. The aim of

[2] See: https://zoek.officielebekendmakingen.nl/blg-54792.html.

the meeting was to discuss why so few complaints are filed with the authorities by victims of discrimination and how the industry can improve its strategy for tackling discrimination

3. Racial Discrimination Monitor 2009 and Discrimination Monitor, Non-Western Ethnic Minorities on the Labour Market 2010
The Racial Discrimination Monitor 2009[3] and the second Discrimination Monitor, Non-Western Ethnic Minorities on the Labour Market 2010[4] were published in autumn 2009.[5]

4. Increase in penalties for offences under general criminal law with a discriminatory aspect
The Instructions on Discrimination (*Aanwijzing Discriminatie*) (2007A010) entered into force on 1 December 2007. These are official instructions issued by the Board of Procurators General to guarantee the quality of investigation and prosecution in discrimination cases. Among other things, prosecutors are instructed to seek a 25% increase in penalties for criminal offences with a discriminatory element. Both the police and the Public Prosecution Service are required to register discrimination offences and offences with a discriminatory element.

5. Complaints Bureau for Discrimination on the Internet
The government will continue to address discrimination on the internet. The internet is a medium that is still gaining ground, especially among young people. Due to its anonymity and the limited possibilities for control, the internet can be a safe place to make discriminatory statements which would be more likely to attract attention in the 'offline world'. The Dutch government therefore attaches great value to the complaints bureau, where discriminatory statements on the internet can be reported and efforts are made to remove them.

As in previous years, the Dutch government will award a grant to the Complaints Bureau for Discrimination on the Internet (*Meldpunt Discriminatie Internet* or MDI) in 2010. The MDI's most important task is to deal with reports of discrimination on the internet and remove statements that contravene anti-discrimination laws. On average, the MDI receives around 1,200 reports of discrimination on the internet a year. When criminal statements are reported, the MDI requests the website to remove them. Each year, the removal percentage fluctuates around 90% (86% in 2009, 91% in 2008 and 90% in 2007)[6].

In addition to dealing with reports of discriminatory statements online, the MDI also provides information and offers courses, training sessions and workshops to various organisations and groups, such as moderators of interactive websites. The Bureau teaches moderators to recognise discriminatory statements on their websites so that they can be removed more quickly. According to the MDI, website moderating seems to be improving: in 2009, by the time a statement was reported it had already been removed in 9% of cases, compared to 7% in 2008.

Apart from subsidising the MDI, the government also made agreements with a number of government-subsidised websites about efforts to remove discriminatory and hate texts within one hour.

[3] See: https://zoek.officielebekendmakingen.nl/blg-72026.html.
[4] See: https://zoek.officielebekendmakingen.nl/blg-72027.html.
[5] See: https://zoek.officielebekendmakingen.nl/kst-30950-18.html.
[6] See: http://www.meldpunt.nl/uploads/upload_documents/Jaarverslag%202009%20Final.pdf .

6. Anti-Discrimination Campaign
When the Municipal Anti-Discrimination Services Act came into effect in 2009, the Ministry of Foreign Affairs launched its first anti-discrimination campaign. Starting on 23 August 2010, the campaign was repeated for six weeks, with a number of new resources. The anti-discrimination campaign is broad ranging and includes public information messages on TV and radio (by *Postbus 51*, the Dutch government's central information point), a website, advertisements in daily newspapers, a special in *Metro* (free newspaper) and web banners. The campaign reaches out to everyone in the Netherlands. The core message is that everyone living in the Netherlands has the right to protection against discrimination and that no one may be excluded because of irrelevant characteristics. This applies to everyone, regardless of their ethnic background, sex, religion, skin colour or sexual orientation. This is expressed in the campaign with the message that no one should have to mask their identity in order to be accepted.

7. Harmonisation of reports on discrimination
The government will ask the parties concerned (the police, the Public Prosecution Service, the Complaints Bureau for Discrimination on the Internet, the municipal anti-discrimination services (*Antidiscriminatievoorzieningen*) and the Equal Treatment Commission (*Commissie Gelijke Behandeling*) to harmonise the timing and scope of data in records and reports so that every year a clear picture can be presented of discrimination in the Netherlands.

B. Effects of the measures taken by the Dutch government to combat racism and discrimination

The effects of the measures taken by the Dutch government to combat racism and discrimination are difficult if not impossible to measure. The use of the word ‘effects’ in the question regarding information on *progress* made in combating racism, xenophobia, discrimination and intolerance suggests that it is possible to distinguish a causal link between these measures and the extent to which racist incidents take place. Establishing such a link is difficult for the following reasons:

1. First, there is not necessarily a one-to-one relationship between the measures and the extent to which racist incidents take place; various autonomous factors – technological developments, international politics, economic and military developments, etc. – may influence the occurrence of racist incidents.

2. Second, that which does not occur cannot be measured.[7]

b. The report states that Dutch Customs officers receive training aimed at reducing prejudice and racism. The Committee asks whether other public servants who have contact with immigrants are given similar training.

[7] See: https://zoek.officielebekendmakingen.nl/kst-30950-18.html: ‘1. Racial Discrimination Monitor 2009 […] Caution is advised when interpreting the data. Reporting statistics tend to fluctuate, for example because institutions have not kept records for an entire period or a local reporting campaign was held. In addition, the figures published by different bodies do not always point in the same direction. It is always necessary to conduct a deeper analysis of the data. For this reason, the government has asked the bodies involved to better harmonise their existing records and reports in terms of time and content to facilitate an unambiguous picture of discrimination in the Netherlands.’

KMAR:
The Royal Military and Border Police (*Koninklijke Marechaussee*, KMAR), the national authority responsible for border control and immigration at airports (e.g. Schiphol), provides special in-company training to ensure that passengers and immigrants are treated properly. This includes preventing prejudice and errors of judgment, especially regarding identity. The course is based on practical experience, real-life cases and examples and is mandatory for all enforcement staff.

IND:
The IND does not offer courses that focus exclusively on discrimination. However, there is an intercultural communication training module which covers the following topics: 'Global aspects: culture, faith, environment, education, gender, age and experience'; 'Cultural v. universal: when does culture play a major role?'; 'Cultural differences and power: non-verbal communication'; and 'Acting strategically'. Every topic is linked to daily work practice.
At the end of the module the participants:

- have increased their knowledge of and insight into their own culture;
- have acquired insight into the way in which culture influences communication;
- have learned how to prevent information being incorrectly interpreted;
- have acquired information that enables them to deal with clients from different cultural backgrounds appropriately;
- have learned to lower the threshold so that they can obtain as much information as possible from clients and assist them as objectively as possible;
- have learned to detect and use non-verbal communication signals.

Discrimination is addressed indirectly but is not a main topic of this module.

Paragraph 4 – Equality regarding employment, right to organise and accommodation

c. Section 6a of the Equal Treatment Act (Algemene wet gelijke behandeling) prohibits discrimination on grounds of race and nationality with regard to membership of or involvement in an employers' association or a trade union and also to the benefits that flow from that membership or involvement. The Committee asks that the next report indicate whether equal treatment is guaranteed with regard to the enjoyment of the benefits of collective bargaining.

Article 9 of the Equal Treatment Act stipulates that contractual provisions which are in contravention of the equal treatment legislation are null and void. People who feel they have been treated unequally and subjected to discrimination can file a complaint with the Equal Treatment Commission.

Dutch equal treatment legislation provides for specific protection against victimisation, i.e. experiencing negative effects as a result of filing a discrimination complaint. The ban on victimisation is a general provision: section 8a of the Equal Treatment Act states that it is unlawful to disadvantage persons because they have invoked the Act in or out of court or have assisted others to do so.

d. Legislation on housing, including the Housing Act, the Housing Allocation Act (Huisvestingswet) and legislation relating to housing benefits, the Promotion of Home Ownership Act (Wet bevordering eigen woningbezit) and provisions in the Civil Code concerning the security of tenants and rent control, is generic and does not distinguish between migrant workers and Dutch nationals. The Committee repeats its requests for

detailed information on how the government secures for migrant workers treatment not less favourable in practice with regard to housing.

Migrant workers residing lawfully in the Netherlands have the same rights under the law as nationals with respect to rental and owner-occupied housing.

On the basis of on the Housing Allocation Act (*Huisvestingswet*), housing corporations have to give priority to persons who, due to their level of income or other circumstances, face difficulties in finding appropriate accommodation, such as former psychiatric patients, former juvenile delinquents etc. The corporations do not have a specific task with regard to migrant workers. Because of freedom of movement within the EU, migrant workers can register with a municipality and apply for social housing options. In that process they have exactly the same rights as Dutch nationals seeking similar accommodation. However, many cities use waiting lists, which makes finding accommodation difficult and results in people opting for quicker (sometimes illegal) ways of finding accommodation.

In addition, given the permanent temporariness of most (CEEC) migrant workers' residence in the country, lodging-based accommodation is more appropriate than permanent housing. In both cases, municipalities have a legal responsibility to enforce public order and building quality requirements imposed by, for example, the following laws and regulations: the Municipalities Act (*Gemeentewet*), the General Administrative Law Act (*Algemene Wet Bestuursrecht*), the Housing Act (*Woningwet*), municipal building bye-laws (*bouwverordening*), the land-use plan (*bestemmingsplan*) and general municipal bye-laws (*algemeen plaatselijke verordening*).

Furthermore, whether they rent lodgings or a permanent home, migrants can obtain advice from a rent assessment committee (*huurcommissie*), an independent organisation dealing with tenant-landlord disputes concerning upkeep, rent and service costs of rental dwellings in the regulated sector.

The general policy in the Netherlands is that employers are responsible for housing migrant workers. They have a moral responsibility to provide affordable and adequate housing. The rules for the quality of housing are set out in the Housing Act and building regulations. The municipal authorities check whether the quality of the housing meets the standard set by law. The legislation also stipulates the maximum number of migrant workers that can be housed in one room.

Since 1 May 2007, the Netherlands has allowed free entry to workers from the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Slovakia and Slovenia. Since then, many migrant workers from those countries have come to the Netherlands seeking work and they need housing. Central government took measures to help the municipalities prevent migrant workers ending up in inadequate housing. The municipalities can now obtain the addresses of migrants from the Tax and Custom Administration. Having this information makes their supervision task easier. Central government also provided municipalities with buildings suitable for housing migrant workers, such as former refugee centres. In addition, employers took responsibility by buying hotels and converting them into housing for their employees.

The Labour Inspectorate reports inadequate housing conditions to the Housing Inspectorate. A new reporting centre has been established to provide a central point for registering complaints or suspicions of inadequate housing. The Housing Inspectorate also issued information brochures to employers concerning safe temporary housing.

Paragraph 6 – Family reunion

e. The Committee notes that these criteria largely amount to the notion of "dependent" child under the Charter. Hence, if the criteria are implemented in a manner which in practice ensures family reunion for all dependent children under the age of 21 years, the Committee considers that the situation will be in conformity with the Charter. This being said, the Committee would like confirmation that nobody in the age group eighteen to twenty-one years meeting the criteria has ever been refused the right of family reunion.

With regard to extended family reunification, the most important factor is that the relative in question is actually a member of the family, i.e. there was already a family connection when both persons resided in another country, the alien is morally and financially dependent on the person with whom he/she intends to reside and that dependence already existed outside the Netherlands, and the alien is actually going to live with the person with whom he/she intends to reside. These criteria also apply to adult children (i.e. children aged 18 and older).

Paragraph 8 – Guarantees concerning deportation

f. The Committee asks whether the individual circumstances of a migrant worker and his family are taken into consideration before an order for expulsion is made by a court.

The residence permit of a migrant worker may be revoked or not renewed if he no longer meets the conditions attached to the permit. Migrant workers can invoke legal remedies against such decisions and thus obtain the opportunity to explain their personal/family situation. If a migrant worker chooses not to make use of legal remedies or has exhausted all remedies, he will receive notice to leave the Netherlands. If he stays and the police find him while he is in the Netherlands illegally, he may be placed in detention pending expulsion from the Netherlands. The court does not decide whether the alien can be detained, but rather assesses the lawfulness of the detention.

With respect to families with minor children, a measure restricting their liberty is preferable to a measure depriving them of their liberty, such as detention for the purpose of expulsion. The family is housed in restrictive accommodation (*vrijheidsbeperkende locatie*; VBL) until they can return to the country of origin. When minor children are involved, deprivation of liberty is considered an extreme measure that may be applied only for a short period of time.

On 7 July 2010 the Committee of Ministers of the Council of Europe adopted a resolution (Resolution CM/ResChS(2010)6) in response to the assessment by the European Committee of Social Rights of a complaint lodged by Defence for Children International regarding the right to shelter of minors residing illegally in the Netherlands. In the resolution, the Dutch government was asked to explain the measures it takes to prevent homelessness among children who are unlawfully present on its territory. On the one hand, it is important to note that the European Social Charter confers rights only on persons who are lawfully present on the territory of a member state. On the other hand, this does not relieve states of their responsibility to prevent homelessness among those who are unlawfully present in the country, especially where children are concerned. Below is an explanation of how the Dutch government meets this responsibility.

Most of the cases in question involve former asylum seekers. There are two categories of children living in the Netherlands as (former) asylum seekers: those who are with their family and unaccompanied minors. The Netherlands has a specific shelter and return policy for unaccompanied minor foreign nationals. If their asylum application is rejected, unaccompanied minors are entitled to shelter by virtue of being underage until they leave the

Netherlands. Unaccompanied minors are subjected to forced return only if specific and adequate reception facilities are available in the country of origin unless there is proof that the minor concerned is able to live independently.

The shelter and return policy for adult asylum seekers and families with minor children is as follows. Asylum seekers are given access to reception facilities during the asylum application procedure. Afterwards, they are given sufficient time to plan their departure and receive intensive assistance from government authorities. Rejected asylum seekers who return to their country of origin independently can obtain financial support and other forms of assistance from the International Organisation for Migration (IOM) and various NGOs. Rejected asylum seekers need not end up on the streets if they comply with their duty to leave, and they are assisted in fulfilling that duty by government authorities and other parties. In cases where an alien, through no fault of his own, is unable to return to his country of origin, a residence permit is issued in accordance with the 'not-at-fault policy'. If the authorities determine that there is reason to assess whether this policy is applicable in an individual case, the alien's access to shelter will not be terminated for the duration of the assessment.

In recent years, the Dutch government has developed supplementary policy to address a number of lingering problems with respect to homelessness and asylum seekers. The starting point was that as much as possible needed to be done to prevent asylum seekers ending up homeless after the 28-day departure deadline or while lawfully residing in the Netherlands pending a follow-up procedure initiated after the asylum application procedure ends. The measures put in place are related in part to the measures adopted before the ECSR reached its conclusions of 20 October 2009. Two important measures – provision of shelter to former asylum seekers who apply for a residence permit on medical grounds and the introduction of a new asylum procedure – only entered into effect in 2010. These measures are described below.

The Netherlands would respond to the Council of Europe's resolution of 7 July 2010 as follows. The Dutch government agrees that states have a responsibility to prevent homelessness among illegal aliens, and minors in particular, and has addressed this issue with the aforementioned measures. The main principles are that unaccompanied minor foreign nationals are always given shelter, other asylum seekers, including families with children, are given every opportunity to arrange their departure from the Netherlands in a situation in which shelter is offered, and the authorities do their utmost to facilitate their departure. In addition, the provision of shelter can be extended if special circumstances that hinder their departure arise (e.g. medical or 'not-at-fault' situations). However, the question is whether the responsibility to prevent homelessness among illegal aliens in general, and unlawfully resident children in particular, goes so far that the authorities are bound to offer shelter indefinitely, thereby facilitating the unlawful residence of persons who refuse to comply with their duty to leave the country. The Dutch government is of the opinion that this is not the case, and makes reference in this respect to the responsibility that rests primarily on parents to care for their children. This responsibility includes leaving the Netherlands with their children as soon as it is established that they are not eligible, or are no longer eligible, to stay in the country, thus preventing the family from ending up without access to shelter.

Interim judgment of The Hague Court of Appeal (27 July 2010)
On 27 July 2010 The Hague Court of Appeal determined in an interim judgment that the termination of access to restrictive accommodation for families with minor children is inhumane and a wrongful act with respect to the welfare of children. Pending the court's final judgment, which is expected later this year, the Dutch government is refraining from terminating access to shelter for families with minor children.

Departure deadline and placement in restrictive accommodation
After an asylum seeker receives a negative decision on his application for asylum, the Repatriation and Departure Service (*Dienst Terugkeer en Vertrek*, DT&V) informs him of the possibility that he will ultimately have to leave the Netherlands and the importance of starting preparations for his departure as early as possible. In most cases, asylum seekers then apply for judicial review of the decision. If that application is dismissed, the asylum seeker has a period of 28 days in which to arrange his departure. After the 28-day deadline, access to shelter will be terminated. For various reasons, an asylum seeker may not have departed by the deadline, e.g. because he refuses to leave or did not begin arranging his departure early enough. In order to facilitate departure, a measure was adopted in 2008 allowing aliens to be placed in restrictive accommodation for up to 12 weeks after the 28-day deadline expires. The facilities available in restrictive accommodation are comparable to those at the reception centres for asylum seekers. However, the residents' liberty is restricted to a greater extent than in a reception centre. They are required to report to the facility every day and, in principle, must stay within the municipal limits. The 12-week period in restrictive accommodation plus the four-week departure preparation period means that aliens have 16 weeks, and therefore plenty of time if they cooperate sufficiently, to arrange their departure deadline. During this period, the DT&V provides intensive assistance to facilitate the alien's departure arrangements.

Families with minor children have a special status with respect to placement in restrictive accommodation. They can be placed in such a facility as an alternative to detention if they are discovered to be residing illegally in the Netherlands. Dutch aliens policy aims to avoid placing families with minor children in detention. In principle, it is only possible to detain them for the last two weeks prior to departure. If it is necessary for the authorities to supervise a family with minor children for a longer period, in relation to their preparations for departure, the family may be placed in restrictive accommodation for that purpose.

Shelter for former asylum seekers who apply for residence on medical grounds as of 1 January 2010
An important measure adopted this year concerns asylum seekers who submit an application for a residence permit on medical grounds following the rejection of their asylum application. Specifically, these are aliens who state that they have a serious medical condition for which they must seek treatment in the Netherlands because adequate treatment is not available in their country of origin. This group includes families with minor children. Previously, they were not eligible for shelter. However, since 1 January 2010 shelter is provided if they submit a full medical file and further investigation of the application is necessary. This prevents homelessness among asylum seekers with a serious medical condition while the authorities are assessing whether the medical condition is such that the alien should be given a residence permit.

New asylum procedure as of 1 July 2010
A new asylum procedure entered into effect on 1 July 2010. One of its aims is to prevent asylum seekers from ending up homeless after their asylum application has been rejected. Before 1 July 2010 asylum seekers whose application was rejected in the accelerated procedure at the reception centre were required to leave the country immediately, i.e. the 28-day deadline did not apply to them. This category included families with minor children, who were no longer given access to reception facilities following the negative decision on their application. Even if they submitted an application for judicial review of the decision, they were not automatically given access to reception facilities. They would only become eligible if the court declared their application for review well founded or granted an application for

provisional relief submitted with the application for review. As of 1 July 2010, the 28-day deadline also applies to asylum seekers whose application has been rejected in the reception centre procedure. During this period they are provided with accommodation and their application for judicial review of the rejection of their application for asylum is dealt with if they have filed one. If they have not left the Netherlands by the time the deadline expires, they, like other rejected asylum seekers, can be placed in restricted accommodation for, in principle, up to 12 weeks. This category of asylum seekers need not become homeless, if they cooperate in arranging their departure.

The Dutch government agrees that states have a responsibility to prevent homelessness among illegal aliens, and minors in particular, and has fulfilled this responsibility by adopting the measures described above. The main principles are that unaccompanied minor foreign nationals are always given shelter, other asylum seekers, including families with children, are given every opportunity to arrange their departure from the Netherlands in a situation in which shelter is offered, and the authorities do their utmost to facilitate their departure. In addition, the provision of shelter can be extended in the case of special circumstances that hinder their departure (e.g. medical or 'not-at-fault' situations). However, the question is whether the responsibility to prevent homelessness among illegal aliens in general, and unlawfully resident children in particular, goes so far that the authorities are bound to offer shelter indefinitely, thereby facilitating the unlawful residence of persons who refuse to comply with their duty to leave the country. The Dutch government is of the opinion that this is not the case, and makes reference in this respect to the responsibility that rests primarily on parents to care for their children. This responsibility includes leaving the Netherlands with their children as soon as it is established that they are not eligible, or are no longer eligible, to stay in the country, thus preventing the family from ending up without access to facilities.

Article 27 – The right of workers with family responsibilities to equal opportunities and equal treatment

With a view to ensuring the exercise of the right to equality of opportunity and treatment for men and women workers with family responsibilities and between such workers and other workers, the Parties undertake

1. to take appropriate measures:
   a. to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;
   b. to take account of their needs in terms of conditions of employment and social security;
   c. to develop or promote services, public or private, in particular child day care services and other childcare arrangements;
2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;
3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

Article 27§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

The Netherlands has the following legislation in place to enable workers with family responsibilities to enter and remain in employment.

Working Hours (Adjustment) Act

The Act gives employees the right to request an increase or decrease in their contractual working hours. An employer must comply with this request unless there are compelling organisational or financial reasons not to do so. While the Act does not limit employees' right to adjust their working hours to certain situations, it does aim to enable employees to adapt their working hours to accommodate changes in their care responsibilities and, in practice, the Act is usually invoked to achieve this goal.

The Act is supported by other legislation that prohibits the use of differentiated terms and conditions of employment based on the number of contractual working hours (see 27§2 below).

The last government has drawn up proposals aimed at a more flexible use of the Act, including, for instance, a provision that explicitly states that an adjustment in working hours may apply for a limited period of time (instead of, in principle, an unlimited period). The present government has announced the intention to bring these legislative proposals into parliamentary procedure.

Work and Care Act

This Act brings together several leave schemes, including pregnancy and maternity leave. The other types of leave provided for under the Act are:

– leave in emergencies, such as a child's sudden illness, or other special circumstances which reasonably require an employee to be absent from work, including medical consultations and the birth of a child (paternity leave). This type of leave is not limited to

a certain fixed period because the entitlement covers so many different circumstances. Employers are required to pay 100% of the individual's wage during this period;
– short-term leave to care for a sick partner, child or parent. This leave may be granted for up to 10 days a year. Employers are required to pay 70% of the individual's wage during this period;
– extended leave to care for a seriously or terminally ill partner, child or parent. This leave may be granted for up to six weeks per calendar year. The Act makes no provision for payment of wages during this leave;
– parental leave (see Article 27§2 below)

Dutch law does not include a specific statutory right to return. The various regulations are framed in such a way that a worker taking parental leave retains his or her employee status. Under the Working Hours (Adjustment) Act, employees may, if they wish, go back to working their former number of hours after having worked fewer hours for a certain period of time. At the end of a period of leave, the terms and conditions of employment that applied before the leave automatically reapply. Because of the way in which parental leave is used in the Netherlands return to work is not a matter requiring special attention. Parental leave is usually used to extend maternity leave by a number of weeks, or to work fewer hours over a longer period of time (e.g. a day or half-day of leave per week). When used in this way, parental leave does not result in prolonged absence from work, nor raise problems in terms of returning to work.

The former government has proposed various amendments to the existing Act, concerning parental leave (see Article 27§2 below), clarifying the entitlement to leave in special circumstances, and broadening the scope of short-term care leave to include care for members of a household other than the partner, children or parents. The present government has announced the intention to bring these legislative proposals into parliamentary procedure.

When the EU directive on parental leave is implemented, a provision will be introduced prohibiting terms and conditions of employment that adversely affect employees who exercise a statutory right to leave (see 27§2 below).

Pregnancy and maternity leave may change in accordance with the proposed amendment to the current European directive, which procedure is still ongoing.

<u>Childcare Act</u>
This Act regulates:
- the quality of childcare, through minimum standards, and monitoring compliance with these standards;
- the way childcare is funded, through payment of a childcare benefit to parents.

Working parents are entitled to childcare benefit (in households with two parents, both parents must work). The benefit is tied to a maximum hourly rate (parents must pay the full amount in excess of this rate). About 1/3 of the cost of childcare is reimbursed unconditionally. Reimbursement for the remaining part is dependent on parents' income.

The Act has been amended several times since it came into force in 2005. The main changes are:
- the introduction of a statutory employer's contribution, equivalent to about one quarter of the total cost of childcare benefit, that all employers pay as part of their taxes; and
- stricter requirements for registered childminders.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There has not recently been any need for specific measures with regard to the further implementation of the Working Hours (Adjustment) Act or the Work and Care Act. The Childcare Act entered into force in 2005. The introduction of this Act and later amendments was underpinned by a range of government measures.

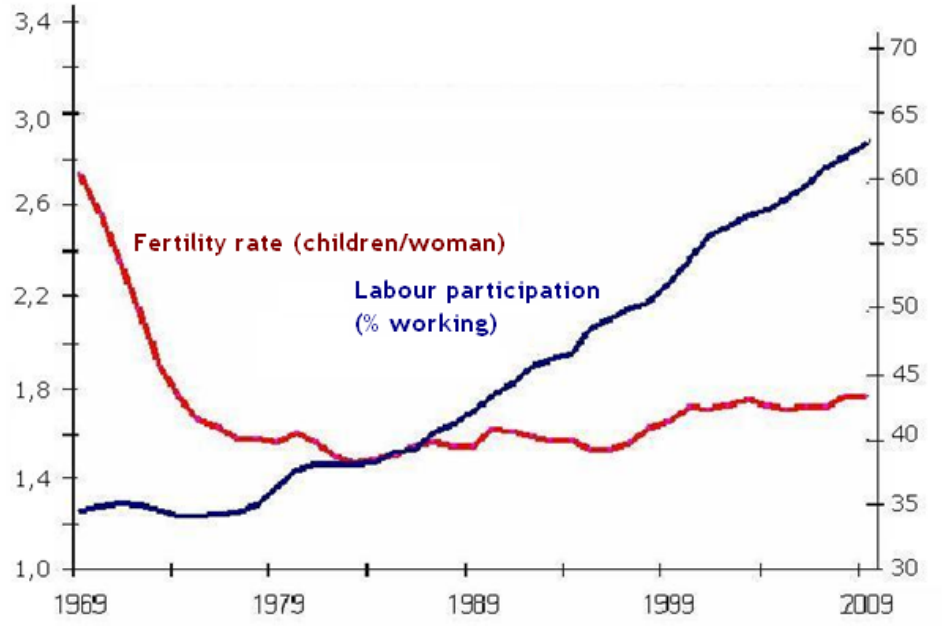
3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Women in the workforce

Since 1985, the percentage of women in employment has grown substantially at an average of 1% a year. In 2009, 80% of women aged 25 to 35 educated to secondary level worked, compared to 90% of women in that age group with a degree. Currently, the Netherlands has one of the highest participation rates for women in Europe.

The growing participation rate is not associated with declining fertility. In fact, the latter has increased from about 1.4 to 1.7, which implies that the measures available to workers in the Netherlands provide good scope for combining work with family responsibilities.

Figure 1. Fertility rate (mean number of children per woman) and percentage of women in employment in the Netherlands, 1969-2009



(Source: Statistics Netherlands)

Part-time employment

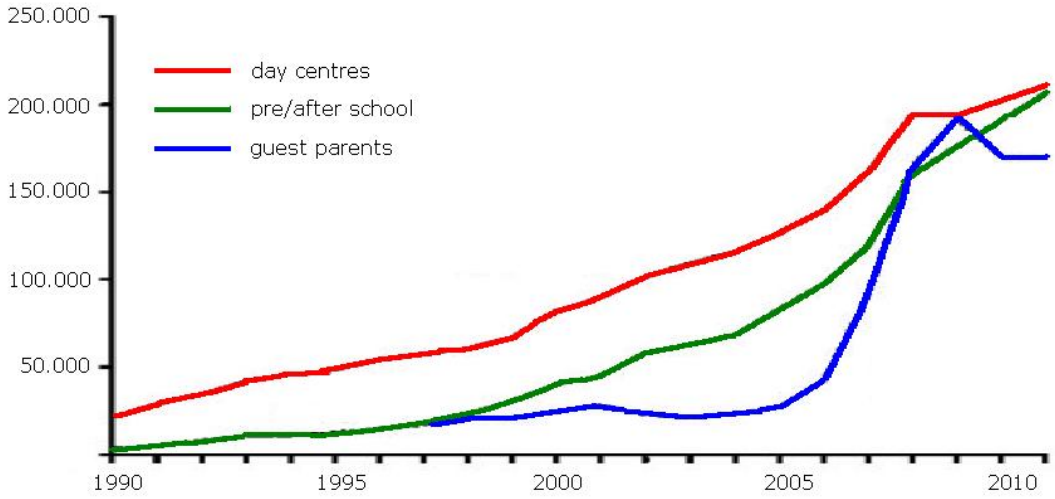
Dutch female workers' preferred instrument of choice to combine employment with family responsibilities is part-time work. The Netherlands has the highest percentage of women in part-time employment in Europe. The increasing participation rate for women since 1985 has gone hand in hand with an increase in the percentage of women working part-time, which suggests that part-time work has enabled women to keep their position in the workforce.

A Taskforce ParttimePlus has been established to consider how women's working hours could be increased. The new government will have to decide which measures to introduce to this end.

Childcare

The introduction of the Childcare Act in 2005 has resulted in a substantial increase in the use of subsidised childcare. Currently, some 61% of children under four and 22% of children aged 4 to 12 are placed in childcare

Figure 2. Number of children at subsidised childcare facilities in the Netherlands, 1990-2010



(Source: Tax and Customs Administration/Ministry of Education, Culture and Science)

Article 27§2

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*

Under the Work and Care Act, employees have the right to 26 weeks' parental leave. It applies to each parent, for each child until it reaches the age of eight, and is not transferable between partners. The right to parental leave is absolute. Employers cannot refuse a request for parental leave, and may only reject the way in which the employee wishes to take the leave (e.g. one day per week for xx weeks or full-time leave for xx weeks) if compelling organisational or financial interests are at stake. Differing rules may be laid down in collective labour agreements, but these may only pertain to the way in which the leave is used and may not limit the right to leave as such.

The Act does not provide for continued payment of wages during parental leave. An employee taking parental leave may be entitled to a tax rebate of €690 per month (for full-time leave), provided his or her income in the year in which leave was enjoyed was less than his or her income in the previous year. Collective labour agreements negotiated by employers' and employees' organisations may include arrangements on the continuation of pay during parental leave.

The former government has drawn up various proposals which aim to give employees more freedom in deciding how they wish to use parental leave. Currently, the Act lays down several

conditions with regard to how parental leave can be used, including the provision that it can only be used over a maximum of six consecutive periods, and restricts the right to employees who have been with their employer for at least one year. The proposed amendments aim to better address employees' wishes. The present government has announced the intention of bringing these legislative proposals into parliamentary procedure.

As of 1 January 2009, the duration of parental leave was extended from 13 weeks to 26 weeks per child per employee.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

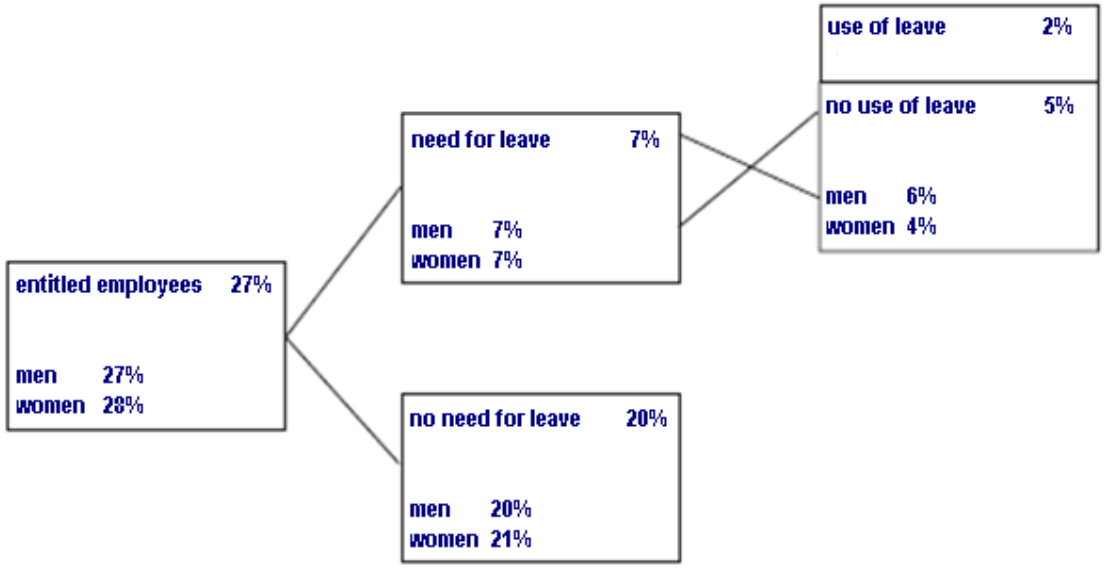
There has not recently been any need for specific measures with regard to the further implementation of the relevant legislation.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

Some 75,000 parents take parental leave each year (data from 2009).

The figure below is based on research data from 2001 and 2002 and provides insight into parents' need for parental leave and the actual enjoyment of leave. The proportion of employees entitled to parental leave, both male and female, with at least one child under the age of eight, is about 27% of the total employee population. In this research, parents' need for parental leave is subjectively determined. About three quarters of eligible employees said they had no need for parental leave, primarily because the individual concerned or his or her partner worked part-time, or because the parents had made adequate childcare arrangements. About one third of the group that did report having a need for parental leave actually used it. This depended primarily on whether or not the collective labour agreement provided for the continued payment of all or part of employees' wages during parental leave.

Figure 3. Working parents' need for and use of parental leave



Article 27§3

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.

Labour law prohibits the dismissal of employees because they use or wish to use their statutory right to parental leave, care leave and similar schemes.

In addition, employers may not apply differentiated terms and conditions of employment depending on employees' working hours. When Directive 2010/18/EU on parental leave is implemented, a provision will be introduced in Dutch labour law explicitly prohibiting differentiated terms and conditions for employees enjoying or wishing to enjoy parental leave.

2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.

There has not recently been any need for specific measures with regard to the further implementation of the relevant legislation.

3) Please provide pertinent figures, statistics or any other relevant information, if appropriate.

The Netherlands does not have recent information on the functioning or application of the regulations described above. There have been no reports of significant problems.

Article 31 – The right to housing

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed to:
1) promote access to housing of an adequate standard;
2) prevent and reduce homelessness with a view to its gradual elimination;
3) make the price of housing accessible to those without adequate resources.

Article 31§1

1) Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.
2) Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.
3) Please provide pertinent figures, statistics or any other relevant information to demonstrate effective access to adequate housing, including the length of waiting periods.

General housing policy objectives

During the reporting period, housing policy in the Netherlands fell under the Housing, Communities and Integration (WWI) portfolio, for which the Ministry of Housing, Spatial Planning and the Environment (VROM) was responsible.

Its main objectives are:
- to ensure a plentiful supply of good-quality homes and an effective housing market with sufficient mobility. These objectives require enough choice for everyone and an even balance between supply and demand;
- to ensure affordable housing, especially for lower-income groups, with policy tailored to different groups. Housing policy should also, as far as possible, assist first-time homebuyers;
- to control rental prices and protect tenants;
- to promote a balanced allocation of housing;
- to regenerate older communities.

Legal framework and measures

A plentiful supply of good quality homes

Under the **Urban Regeneration Act**, municipalities may apply for funding once every five years from the Urban Renewal Investment Budget (ISV). The first ISV funding period ran from 2000 to 2004, the second from 2005 to 2009. The ISV is intended specifically to benefit the 31 largest municipalities, which receive their funding directly from central government. Funding is also available for other municipalities, but is allocated by the provincial authorities. The ISV was set up to finance an integrated approach to fighting deprivation in certain urban areas by improving the quality of life for residents and making these areas more attractive. It was coordinated (until October 2010) by the Minister for Housing, Communities and Integration. Under the ISV, central government pays municipalities to take physical measures in the areas of housing, spatial planning, the environment, large green spaces and culture. The third ISV funding period runs from 2010 to 2015; financing will come from the Municipalities Fund.

From 2005 to 2010, central government funding has been available under the **Location-related Subsidies Decree (BLS)**. But no BLS funding will be available for housing from 2010 onwards.

In 2009, as part of the package of measures aimed at countering the financial and economic crisis, the government made €350 million extra available for housing and employment. The **Housebuilding Projects Incentive Scheme** invites municipalities to apply for grants to support projects – suspended owing to the crisis – to build homes for sale and more expensive homes to let. Of the first and second of this scheme's tranches, which became available in 2009, €250 million has now been spent. On 8 April 2010, the government released the third and final tranche, which will make €100 million available to municipalities. The amounts applied for under this tranche have already far exceeded the total amount available.

In early 2005, the Minister of Housing, Spatial Planning and the Environment concluded agreements with 20 urban areas for the **private commissioning** of housebuilding projects, whereby individuals buy land on which to build homes. These agreements include incentive schemes to promote private housebuilding in order to raise the proportion of privately commissioned homes from 10% to 20% of homes built. In non-urban areas, some 33% of housebuilding is privately commissioned. In recent years much less emphasis has been put on the private commissioning of housebuilding. Regional housebuilding agreements exist, and the government is monitoring their progress. But in 2009, many potential consumers dropped out of the market. In 2006, 36% of households with an above-average income and a desire to move house were interested in private commissioning. By contrast, the proportion in 2009 dropped to 28% (see Dutch Housing Survey, p. 6).

On 1 July 2008, the **Spatial Planning Act (WRO)** entered into force. This act regulates how spatial plans are created and which level of government is responsible for what types of plan. It also regulates relations between the levels of government: water authorities, municipalities, provinces and central government. An important part of the Spatial Planning Act is concerned with the computerisation of spatial planning.

The **Crisis and Recovery Act** targets government investment to speed up projects for building homes, business parks and infrastructure and for promoting sustainability, energy saving and innovation. Such projects stimulate the economy, boosting employment and sustainability. The act, which entered into force on 31 March 2010, aims to counter the effects of the crisis that has dogged the global economy since autumn 2008. Although the recession is bottoming out, the Dutch economy will continue to feel its impact, especially on employment, at least until 2014. The Crisis and Recovery Act is intended to strengthen the economic structure, so that the Netherlands will emerge from the recession sooner and in better shape.

On 1 October 2010, the **Environmental Licensing (General Provisions) Act** entered into force. This act is intended to speed up and improve the service provided to individuals and businesses. Integrated licensing and enforcement leads to greater efficiency, and the system of general environmental permits provides for considerable savings. It reduces the administrative burden for businesses by €105.5 million per year. For individuals, it reduces this burden by €26.5 million, saving 18,000 hours of paperwork. Before the act entered into force, anyone wishing to build or alter a dwelling or outbuilding would have to obtain various permits relating to housing, planning and the environment, each with its own terms, procedures, front offices, processing times, fees and supervisory authorities. This act amalgamates 26 permits involving 1,600 forms into a single environmental permit. It means that individuals and businesses now have to cope with just one permit, one front office, one decision and one procedure. What is more, they can submit their applications online to Omgevingsloket.nl.

The **Housing Act** contains provisions on housebuilding. It was introduced in 1901 to eliminate poor housing and promote the building of good-quality homes. It therefore imposes technical requirements on all housebuilding. It also contains a system for building permits. Its chapter on building serves as a basis for housebuilding regulations. The Buildings Decree, based on the Housing Act, contains minimum requirements for safety, health, functionality, energy efficiency and the environment. The Buildings (Fire Safety) Decree contains a number of fire-safety requirements. The act also stipulates that municipal byelaws on building should include fire safety requirements.

The Housing Act requires municipal executives to establish local building and housing inspectorates in order to guarantee public-law protection of these requirements. The inspectorates respond to complaints from the public. Private-law protection is provided under tenancy law.

The Housing Act also contains provisions relating to **housing associations**: organisations that work in the area of public housing. Many housing associations were established soon after the introduction of the Housing Act in 1902. Their original role was to build, let and manage social housing. Today, housing associations also build homes for sale and help improve the quality of life in the neighbourhoods where their homes are located. They also provide accommodation for the elderly, disabled and persons who require care or special assistance. In addition, housing associations promote home ownership by selling their rental dwellings.

On 1 January 2008, the government removed the partial exemption from corporation tax on profits from the non-commercial activities of housing associations. Since the introduction of integrated corporation tax, housing associations have had to pay the tax on the profits they earn from all their activities.

Housing associations receive **state aid** to the tune of €300 to €400 million per year from central government and the municipalities in the form of loan guarantees from the Social Housing Construction Guarantee Fund and funding from the Central Housing Fund to support building and rationalisation projects. As a result, housing associations can borrow money at lower interest rates. These instruments constitute the core of government support for housing associations. State aid is only permissible if approved by the European Commission, which wanted the Netherlands to impose income limits on eligibility to occupy state-financed social housing. Housing associations are essential for an effective public housing policy – which is why the Netherlands has sought to maintain state aid.

In December 2009, the European Commission approved Dutch state aid in this area subject to certain rules. The then Minister for Housing, Communities and Integration (Eberhart van der Laan) agreed with the Commission that state aid may be permitted for the building and letting of dwellings with rents lower than the housing benefit limit (from July 2009, €648 per month). At least 90% of vacant dwellings to let with a rental value lower than €648 must be allocated to households with an annual income of less than €33,000. That is approximately 43% of Dutch households. New police officers, teachers and nurses fall within this income bracket. The European Commission is of the opinion that the other 10% of these vacant dwellings may be allocated to tenants, such as the disabled or large families, who earn more than €33,000 per year but nevertheless require social assistance. For certain parts of the country, where supply and demand make it difficult to impose this requirement, the Minister may impose other conditions, as long as the national average is 90%. The Commission will set out its decision in regulations, which will enter into force on 1 January 2011 at the earliest.

Affordability of renting
The **Housing Benefit Act** regulates housing benefit for households with lower incomes. Housing benefit is an allowance for which tenants may apply if their rent is higher than a certain fraction of their income. Housing benefit allows low-income households to rent affordable good-quality homes. To qualify for housing benefit, applicants have to comply with a number of conditions. Limits apply to the household's spending power, its income and assets andthe rent on its home. The limits vary according to the household's situation. Distinctions are drawn between four types of household: single and multi-person households; and elderly (the over-65s) and non-elderly households. Since 1 January 2006, housing benefit has no longer been provided by the Ministry of Housing, Spatial Planning and the Environment, but – like healthcare benefit, childcare benefit and means-tested child allowance – by the Benefits Unit of the Tax and Customs Administration. These arrangements are set out in the General Means-Tested Allowances Act and the Housing Benefit Act. Tenants can obtain information about housing benefit and assistance in applying for it from the Tax Administration or from the Housing Benefit Information Points (HIPs), which are mostly located at municipal or housing association offices. Tenants whose housing benefit applications have been refused may, in turn, lodge an objection with the Benefits Unit of the Tax and Customs Administration, apply to the District Court for judicial review, and appeal to the Administrative Jurisdiction Division of the Council of State.

Affordability of buying
Homeowners benefit from **mortgage interest tax relief**, which is higher in the Netherlands than anywhere else in the world. But it is politically controversial.

The **Home Ownership Act** entered into force on 1 January 2001. It is intended to encourage households with modest incomes to buy their first home. For this purpose, the government pays them a grant in the form of a monthly contribution to their mortgage payments. The grant is awarded under certain conditions, which were initially too restrictive to attract enough takers. So in 2007, the act was amended both to raise the income limits for eligibility and to raise the price of homes for which a grant may be awarded. The act is implemented by NL Agency.

Prospective buyers whose application for a home purchase grant has been refused may lodge an objection with NL Agency, apply to the District Court for judicial review, and appeal to the Administrative Jurisdiction Division of the Council of State.

National Mortgage Guarantee Scheme (NHG)
The National Mortgage Guarantee Scheme (NHG) is a guarantee on mortgage loans up to a certain amount for the purchase and improvement of owner-occupied homes. The scheme offers protection against any remaining debt if the home unexpectedly has to be sold. A major benefit for the homebuyer is that the interest rate can be up to 0.5% lower. The NHG is provided by the **National Mortgage Guarantee Fund** and is backed up by the government. In 2009, 28% of homeowners had a mortgage with the NHG. The maximum amount for which an NHG mortgage can be provided was raised on 1 July 2009 from €260,000 to €350,000 in order to encourage homebuying during the economic crisis.

Starter-home loans
A starter-home loan is a loan on top of a regular mortgage loan to enable people to buy their first home. These loans are aimed at the same income groups as the home purchase grants available under the Home Ownership Act, but also at groups with somewhat higher incomes. A starter-home loan can be provided for up to 20% of the total cost of buying the home. It bridges the gap between the cost of a relatively low-priced owner-occupied home and the

amount the first-time buyer can borrow from the bank under the terms of the National Mortgage Guarantee Scheme (NHG). Starter-home loans are provided by the **Dutch Municipal Housing Incentive Fund (SVN)**, established in 2002 to encourage first-time homebuyers.

Socially Bound Ownership (MGE) is a form of home ownership in the social housing sector. To enable lower-income groups to buy a home and promote mobility from the rental to the owner-occupied sector, housing associations sell their rental dwellings for less than the market price by giving buyers a discount on the home they buy. However, certain conditions are attached to this discount. For instance, if the buyer subsequently wishes to sell the home, he must sell it back to the housing association or give the housing association the right of first refusal and share with it a proportion of the intervening appreciation or depreciation in the home's value. The greater the discount, the greater the proportion shared. This ensures that the homes remain available for the target group. Since the buyer is the sole owner of the home, he will benefit from mortgage interest tax relief, any appreciation in the value of the home, the security of predictable housing costs (and a monthly payment close to what he would pay in rent), plus the freedom to alter his home. For the housing association, too, MGE has advantages over letting: it yields a higher economic value and the opportunity to buy the home back so that it may eventually be returned to the housing association's stock. In recent years, housing associations have come up with their own MGE formulas. In 2009, around 6,500 homes were sold on MGE conditions (source: www.opmaat.nl and www.woonlab.nl).

Controlling rental prices and protecting tenants

The **Civil Code** regulates the rights and obligations of landlords and tenants of residential premises (independent dwellings, non-independent dwellings, caravans and caravan pitches. Since a roof over your head is a basic necessity of life, tenants facing termination of their rental contract are strongly protected. A landlord may not terminate a rental contract for reasons other than those specified in law. Nor may he do so unless the tenant agrees. In cases of disagreement, only a court may allow a landlord to terminate a rental contract. The court assesses the landlord's reasons for wishing to do so. In the case of some reasons, the court will weigh the landlord's interest in terminating the contract against the tenant's interest in continuing it.

As well as protecting tenants facing termination of their rental contracts, the Civil Code controls the rental prices of residential premises. Unless the dwelling falls into the liberalised rental sector, the tenant is protected by a maximum rent, a maximum annual rent increase, and an exemption from having to pay unreasonable service charges.

Disputes over rent between landlords and tenants are heard by the **Rent Tribunal**, which makes binding decisions based on the property valuation system. If one of the parties disagrees with a decision and is unwilling to implement it, he has to apply for a court judgment. The Rental Prices (Housing) Implementation Act lays down the Rent Tribunal's duties and procedures. The Rent Tribunal handles about 15,000 cases annually, resolving disputes over rental prices, service charges and rent increases as well as issuing declarations on the reasonableness of rental prices.

If the renovation or demolition of a dwelling makes it necessary for the tenant to move (temporarily), the tenant is entitled to an allowance, payable by the landlord, to cover the costs of removal and resettlement. For tenants of independent dwellings, caravans and caravan pitches, the Minister lays down a minimum allowance of some €5,000 (linked annually on 1 March to the consumer price index; in 2009, it was €5,138). Since removal and resettlement costs for tenants of non-independent dwellings (rooms in buildings with shared

facilities and a shared main entrance) are generally lower, the minimum amount does not apply to them, but they too are entitled to an allowance payable by the landlord.

The Landlord-Tenant Consultation Act requires all housing associations as well as private landlords with 25 or more dwellings to inform their tenants' representatives about any planned policy changes. This entitles tenants' representatives to receive information, engage in consultation and make recommendations about (changes in) the landlord's policy relating directly to the tenants' homes and directly affecting the tenants' housing situation and other circumstances. The act contains procedural rules for consultations between landlords, tenants' organisations and residents' committees. It regulates the issues that the landlord must discuss with his tenants' representatives and lays down deadlines and procedural requirements. These rules are minimum requirements: parties are free to make further arrangements.

The Act also contains provisions to resolve disputes over the application of its rules.

Allocation of housing
The **Housing Allocation Act** provides instruments intended to achieve a balanced and equitable allocation of housing and to counter undesirable developments.

The Act entitles municipalities to:
- allocate dwellings or impose requirements on prospective residents;
- allow or prohibit the splitting or merging of dwellings or remove them from the housing stock;
- give priority to certain tenants (such as people living in emergency accommodation and asylees with residence permits).

Communities
In 2007, the Minister for Housing, Communities and Integration selected forty areas in eighteen towns and cities for extra government investment. These priority areas were selected in accordance with eighteen criteria, nine of which were based on the opinions of residents and the other nine on factual information about the area, such as the housing stock, nuisance levels and residents' levels of income, employment and educational attainment. To regenerate the priority areas, on 16 July 2007, the Minister for Housing, Communities and Integration presented the **Strong Communities Action Programme** to the House of Representatives. The municipalities then started preparing community action plans in consultation with local organisations and residents. On 4 February 2008, the first strong communities charter was signed with the municipality of Deventer. Other municipalities followed in the same year. The plans are now being implemented.

A community action plan contains plans for the priority area. Before a plan can be drawn up, a preliminary analysis is conducted to identify the area's main problems in five categories: housing, education and upbringing, work, integration and safety.

In addition to the forty community action plans, eighteen charters have been drawn up, describing the roles of central government and the municipality in achieving their objectives, with clear and measurable targets. The first charter was signed on 4 February 2008; the other 17 in the course of 2008.

Nowadays, **housing associations** also build homes for sale and help improve the quality of life in the neighbourhoods where their property is located. In the 40 priority areas, the Minister helps the housing associations invest in better housing and quality of life by providing special project support, which is implemented by the Central Housing Fund (CFV).

The CFV also receives €75 million per year from housing associations that have little or no property in the 40 priority areas.

Areas that are not among the 40 priority areas, although they have similar problems, are eligible for a further €60 million (first instalment 2008-2009, second instalment 2009-2010).

Shrinkage
Population decline is a relatively new phenomenon in the Netherlands, but recently it has been high on the political and administrative agenda. We can no longer think entirely in terms of growth; we also have to take account of an increasing number of areas, especially close to the borders, where the population and number of households are declining. This shrinkage brings benefits, such as lower housing prices, less congestion and more natural beauty. But it can also bring drawbacks if the authorities and other parties fail to adjust their policies in good time. Structural shrinkage on a regional scale, combined with declining birth rates and demographic ageing, will affect policy areas like housing, planning, education, employment, and health and welfare.

Central government, the Association of Dutch Municipalities (VNG) and the Association of Provincial Authorities (IPO) agreed a joint approach to population decline, set out in the **2009 National Action Plan on Population Decline**. As well as jointly analysing the problems, they have announced specific actions in the short and long term.

Population decline is a relatively new phenomenon, as is the decrease in households that accompanies it in some areas. As a consequence, we do not yet know how it will affect all policy areas. In the next few years, we will deal with the urgent housing challenges in areas with declining households and start experiments in addressing shrinkage.

In the 1980s and 1990s, the cities received assistance in tackling major problems, and forces were combined to set up urban renewal projects. Partly thanks to this national policy, the cities are now thriving, having managed to maintain and strengthen their role as economic engines. In today's service economy, the cities attract many new residents. It is therefore reasonable to expect that they should now show solidarity with regions where the population is declining. Ultimately, it is in the interests of those cities and of us all to guarantee high-quality amenities in regions with declining populations, thereby maintaining their quality of life (National Action Plan on Population Decline 2009).

STATISTICS
The **Dutch Housing Survey (WoOn)** is a method of taking stock of housing demand and housing conditions. The survey replaced the Housing Requirement Survey (WBO) and the Housing Quality Registry (KWR) in 2006. The 2009 Dutch Housing Survey was launched by the Minister for Housing, Communities and Integration. It was carried out in collaboration with Statistics Netherlands (CBS). It provides insight into the composition of households, the housing situation, housing preferences and the living environment. The survey will be repeated every three years so that trends can be followed. It enables experts to draw up analyses for answering policy and parliamentary questions, to make policy recommendations and to develop new policy. The interviews for the housing market module of the 2009 Dutch Housing Survey were held between September 2008 and April 2009.

Core statistics
On 1 January 2009, 16.5 million people were living in the Netherlands. They made up some 7.3 million households. A tiny proportion of households (0.6%) lived with another household (45,000). In 2009, an average household in the Netherlands contained 2.2 persons.

Households have shrunk since the last survey in 2006. The number of single persons has increased. No end to this growth seems in sight. More than half of single persons are between 35 and 70 years old. More than half of single family dwellings are inhabited by households without children, in 61% of which the residents are older than 55 years.

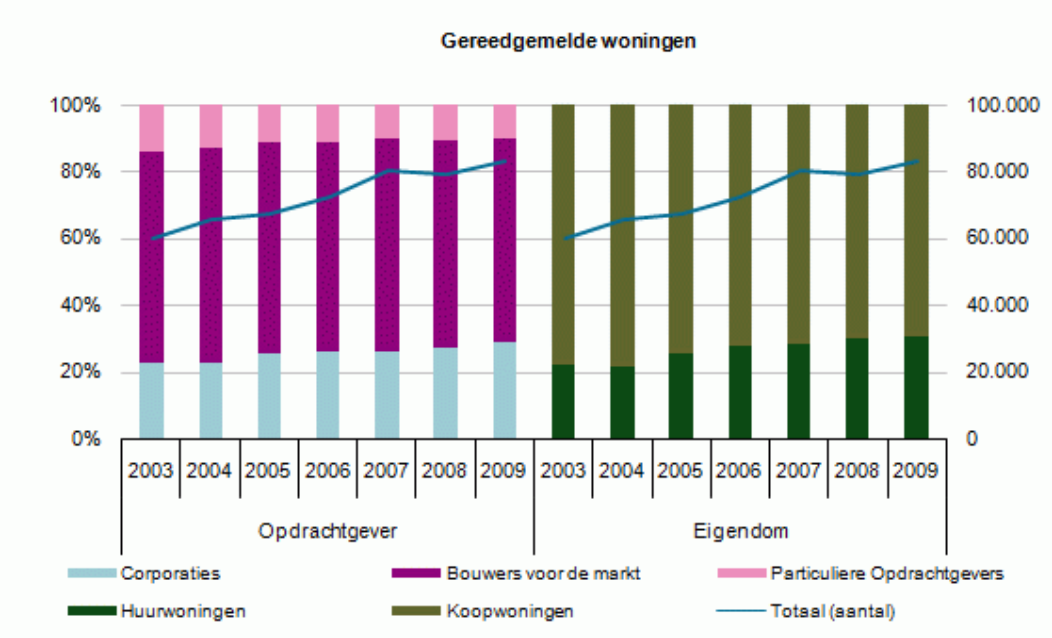
In 2009, the Netherlands had approximately seven million independent homes. Almost half were built before 1960. This proportion is falling owing to the building of new homes and the demolition and merger of existing ones. 56% of the population live in owner-occupied homes, and 44% in rented homes. One-third of the housing stock is owned by housing associations (approx. 2.3 million).

Housebuilding monitor and thermometer

The Ministry of Housing, Spatial Planning and the Environment concluded agreements with 20 urban areas on housebuilding up to 2010. To follow the progress of the agreements, the Ministry set up the Housing Agreements Monitor. Using statistics from Statistics Netherlands, this monitor follows the development of housebuilding in urban areas and identifies risks and problems. The Housing Agreements Monitor contains a Housing 'Thermometer', which compares and catalogues housebuilding performance in the different urban areas.

The Housing Thermometer is published four times a year on the Ministry's website, which shows a map of the Netherlands with the 20 urban areas with which housing targets have been agreed. For each area, it shows how many of the agreed number of new dwellings have been built. A league table indicates how the urban areas compare with each other, showing the agreed targets and actual housebuilding performance over the period up to 2010.

Figure 4. Dwellings notified as completed



Gereedgemelde woningen	Dwellings notified as completed
Opdrachtgever	Client
Eigendom	Property
Corporaties	Housing associations
Huurwoningen	Rental dwellings
Bouwers voor de markt	Builders for the market

Koopwoningen	Owner-occupied homes / homes for sale
Particuliere opdrachtgevers	Private clients
Totaal (aantal)	Total number

In 2009, 83,000 new homes were completed. A further 7,000 homes were added to the housing stock through conversion or division. This brings total housebuilding production to 90,000 new dwellings, an increase of 11% compared to 2008. 19,000 homes were removed from the housing stock, resulting in a net growth of 71,000 dwellings.

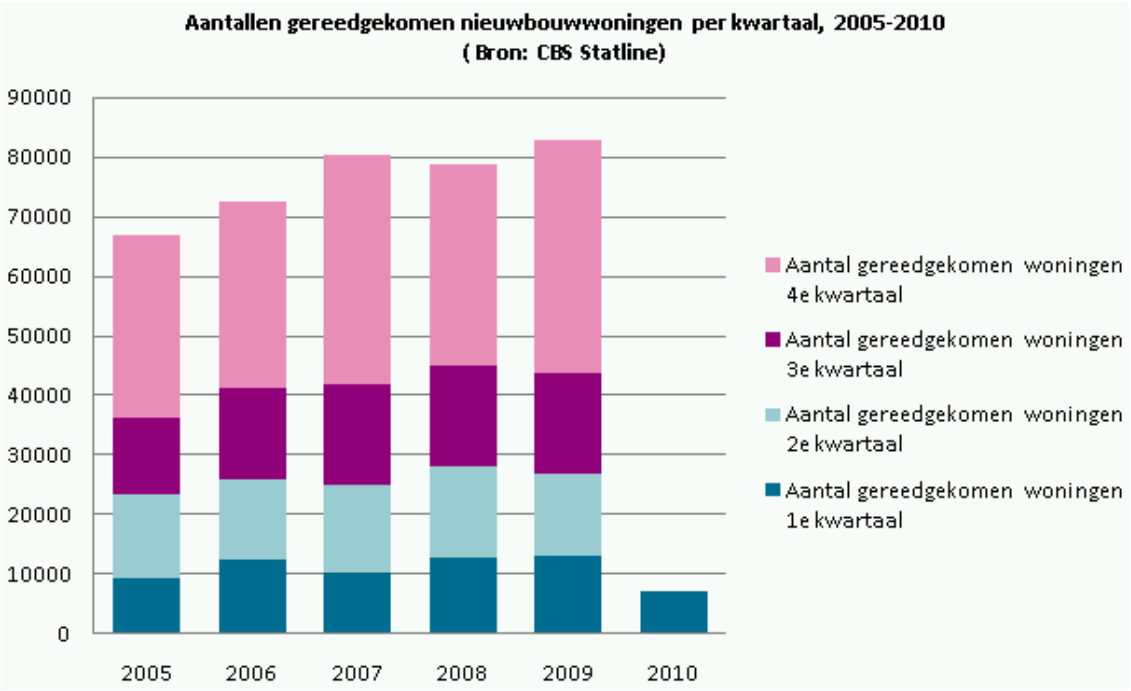
Figures on housebuilding in the first quarter of 2010 show a less positive picture.

Housebuilding is very sensitive to the economic crisis. Is there light at the end of the tunnel? On 14 June, Statistics Netherlands published figures on housebuilding and building permits for the first quarter. It shows some striking facts:

- The number of dwellings completed was more than 44% lower than in the first quarter of 2009.
- The number of homes for which a building permit was issued fell by almost 32%.
- The decline was sharpest among the housing associations, where both housebuilding and the number of building permits issued fell by around 50%.

The graph below shows that both housebuilding and the numbers of building permits issued were lower in the first quarter of 2010 than in the same quarter of previous years.

Figure 5. Number of new homes completed each quarter, 2005-2010



(Source: CBS Statline)

Possible explanations for low housebuilding figures:

- fall in demand: doubt and postponements owing to the economic crisis, more stringent requirements for obtaining a mortgage, and uncertainty about mortgage interest tax relief and conveyance duty;
- completion of the current order book: current projects are being completed more quickly;

- administrative bias: the low number of homes reported as completed in the first quarter of 2010 is probably partly due to an administrative bias, which may be related to the expiry of the 2005-2009 housebuilding agreements at the end of 2009. For some municipalities, the expiry of these agreements may have served as an extra incentive to inform Statistics Netherlands of the completion of homes in time, possibly to the detriment of the number of completion reports during the first quarter of 2010;
- a colder than average winter: the winter of 2009/2010 was the coldest since 1996. (Source: Statistics Netherlands, Statline 'Productive Hours in Construction').

Mobility in the housing market
In 2009, the number of removals was 15% lower than in 2008. In 2007, 500,000 households moved house. In 50% of the flats concerned, those moving were first-timers or virtual first-timers on the housing market (persons who were already the main residents of a dwelling that had not become vacant, for instance as the result of a divorce).

Most removals take place within the same sector: rental or owner-occupier. The new home is usually more expensive than the previous one. Households that move from renting to buying usually buy in the cheaper end of the housing market.

The 2009 Dutch Housing Survey concluded for the period September 2008 to May 2009 that the desire to move house (within two years) was at the same level as in 2006. Just as in 2006, potential movers were more interested in homes for sale than those to let, and even first-timers on the housing market were more inclined to buy. There was no decline in the desire to buy. At first glance, the demand for homes for sale does not seem under pressure. Yet in 2009, the number of transactions decreased significantly, and prices fell. (2009 Dutch Housing Survey, p. 7)

Affordability of renting
Households entitled to housing benefit are eligible for some 90% of the dwellings belonging to the housing associations. In 2009, some 1.1 million households were receiving housing benefit. The amount of the benefit depends on the household's financial means and the rent. The maximum income for eligibility for housing benefit in 2009 was €20,975 for single-person households, €19,800 for single-person households aged over 65, €28,475 for multi-person households and €27,057 for multi-person households aged over 65. A threshold on assets also applies, being the threshold above which assets are taxed.

Every household – depending on the type of household – pays a contribution of around €200. As of 1 July 2009, they also receive 100% up to the 'quality discount threshold' of €357 and 75% from the quality discount threshold up to the 'capping thresholds'. The tenants of more expensive, higher-quality homes therefore receive less housing benefit. Above the capping thresholds, non-elderly multi-person households receive no additional payment, while elderly, disabled and single people still receive 50%. The capping threshold is higher for households of three or more persons (€548) than for one and two-person households (€511). As of July 2009, the maximum rent is €648 per month for those over 23 and young disabled persons and €357 for tenants under 23.

The average rent is around €4,600 per year, and the average housing benefit just over €1,800 per year.

In 2009, tenants spent 23% of their net disposable income on rent (minus housing benefit). In 2006, this figure was 24%. If energy and other housing costs are included, tenants pay 37% of

their income on housing. On average, this amounts to €600 per month. (Source: 2009 Dutch Housing Survey).

Affordability of buying
Since the amendment of the **Home Ownership Act**, widespread use has been made of home purchase grants. The number awarded rose from 3,452 in 2007 to 15,252 in 2009. The average home purchase grant in 2009 amounted to around €80 per month.

On 1 April 2010, a ceiling on home purchase grants was introduced because the available budget was exhausted. Since then, no more applications have been accepted.

In 2009, 2,200 **starter-home loans** were awarded. In 2010, the figure was 4,000 (according to the Dutch Municipal Housing Incentive Fund). Here too, the growth in applications in 2010 has exhausted the budget.

In 2009, loans to housing associations guaranteed by the National Mortgage Guarantee Fund (WSW) passed the €75 billion mark. In that year, the WSW issued guarantees worth €9.8 billion, €3.1 billion of which were intended to refinance 953 repaid loans. Of the 418 housing associations, 404 (= 97%) have loans guaranteed by the WSW. The impact of the WSW guarantee on the interest paid on loans is estimated, under normal market conditions, at half a percentage point. This means that a total of €75 billion in guaranteed loans saves the housing associations between €300 million and €400 million per year. The guarantees are awarded for the building of rental homes (with a maximum building cost of €240,000), the renovation of rental homes and investment in social housing.

In 2009, homeowners spent 16% of their income on mortgage payments: the same figure as in 2006. The average homeowner's monthly housing costs, including energy costs and property taxes but excluding maintenance costs, amount to €810 per month. This is slightly more than one-quarter of the average net disposable income. Energy costs for all homes have risen by an average of 30%. When all the changes in housing costs are taken into account, the proportion of household income spent on housing costs in 2009 was practically the same as in 2006.

Tenants pay a larger proportion of their income on rent (23%) than homeowners on mortgage payments (16%). This is largely due to the difference in average income between tenants and homeowners. The gap is closer between tenants and homeowners within the same income brackets. The higher the income, the smaller the proportion of income spent on housing. This – together with the fact that households with higher incomes are more inclined to be homeowners – explains why homeowners pay a smaller proportion of their income on mortgage payments than tenants on rent. (Dutch Housing Survey 2009)

Allocation of housing
There is no national record of waiting times for homeseekers. The Association of Dutch Municipalities keeps statistics on waiting times in some municipalities, but no conclusions about the national situation can be drawn from them. The supply of housing and demand for it vary from one municipality to the next, and the system of housing allocation in the Netherlands means that waiting times depend largely on local conditions.

Communities
Most people feel that their neighbourhoods have improved, especially in the priority areas. Previous surveys showed that people's perceptions of their neighbourhood had deteriorated in the previous year – a trend that has now been reversed.

The same applies to people's expectations for next year. More people expect improvement than decline. In the priority areas, those expecting improvement are 20% more numerous than those expecting deterioration. Eight years ago, those expecting improvement were 11% less numerous than those expecting deterioration.

The quality of life in priority areas is still below the Dutch average. On the three indicators of a poor quality of life – decay, antisocial behaviour and lack of social cohesion – the priority areas score worse than other areas in the Netherlands. (Dutch Housing Survey 2009, 06)

Article 31§2

1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide pertinent figures, statistics or any other relevant information on the number of homeless, emergency and longer-term measures for homeless, as well as evictions.*

The homeless

The following schemes are worth noting:

1) The Social Rental Sector (Management) Decree (pursuant to the Housing Act) defines the target groups for housing associations as those who are unable to house themselves. One such group consists of homeless people.
2) Forty-two municipalities may apply for grants to provide sheltered accommodation in the community.
3) Housing benefit is available for formerly homeless persons living in sheltered accommodation as part of projects for temporary or long-term supervised residence.

In 2006, an action plan was drawn up by the government and the four largest cities (Amsterdam, Rotterdam, The Hague and Utrecht). Its five-year target is to have all the homeless people in these municipalities in counselling programmes leading to housing, income and work or daytime activities. The implementation of this plan is on schedule: the number of homeless people on the streets has shrunk significantly. We are now approaching the action plan's second phase: to focus on mobility out of sheltered accommodation and the prevention of homelessness. This phase should be reached by autumn 2010.

Since starting in the four major cities, the action plan has also been rolled out in the 38 other municipalities that provide sheltered accommodation, under the name 'Urban Compass'. At the end of this year, almost all 38 municipalities will have an action plan of this kind.

Debt relief and evictions

The protection of tenants is regulated in the Civil Code. They may never simply be evicted from their homes. If a tenant fails to pay the rent, the landlord may not terminate the rental contract without a court judgment. The court will reach a judgment by weighing the extent to which the tenant has contravened the terms of the rental contract against his interest in residing in the dwelling concerned.

Before the court reaches a judgment, it may give the tenant a period of grace, during which the tenant must pay his overdue rent to avoid eviction. Applications by landlords to terminate rental contracts usually come to court only once the rent is three months overdue.

For additional protection, tenants may invoke the Debt Repayment (Natural Persons) Act, which allows tenants to avert impending eviction and reschedule their debt. They can appeal to the court for a six-month moratorium, conditional upon ongoing rent payments being made.

Housing associations try as far as possible to avoid evictions. The housing associations' umbrella organisation, Aedes, constantly reminds its members of the importance of making arrangements with municipalities and debt relief agencies in order to deal with and prevent household debt. Aedes distributes good examples of collaboration among housing associations aimed at preventing evictions.

Statistics
In 2006, the four major cities (Amsterdam, Rotterdam, The Hague and Utrecht), contained some 10,000 homeless persons. In late 2009, 9,750 of them were no longer living on the streets (Urban Compass, Municipal Compass, Monitor of Action Plan for Shelters in the Community, report on 2009: Amsterdam, The Hague, Rotterdam and Utrecht, Trimbos Institute, 2010). The 38 other municipalities with sheltered accommodation also have an Urban Compass, recently reported on in the Urban Compass for 2009 (Trimbos Institute, 2010).

The number of **evictions** resulting from rent arrears in dwellings belonging to housing associations was 5,800 in 2008 (figures for 2009 are published in October 2010).

Article 31§3
1) *Please describe the general legal framework. Please specify the nature of, reasons for and extent of any reforms.*
2) *Please indicate the measures taken (administrative arrangements, programmes, action plans, projects, etc.) to implement the legal framework.*
3) *Please provide statistics or any other relevant information on construction of social dwellings and housing allowances (number of applicants and of recipients, criteria to fulfil to benefit from the allowance).*

For the affordability of rent, rent control and the protection of tenants and the affordability of buying, see the report on Article 31 paragraph 1.

More information about housing policy in the Netherlands can be found at www.rijksoverheid.nl/themas/bouwen-wonen-en-leefomgeving.

Annex:

Letter from the Minister for Housing, Communities and Integration
To the President of the House of Representatives of the States General

The Hague, 26 June 2009

1. Introduction

1.1. Purpose of this letter

By motion of 4 December 2008 (House of Representatives 2008-2009, 31 700 XVIII, no. 31) the House of Representatives asked me to 'develop a joint approach with the "Roma municipalities", by analogy with what has already been done with the "Antillean municipalities".'

This letter, which documents my response to this motion, was motivated by problems that the 'Roma municipalities' are having with a segment of the local Roma communities and by the various solutions being pursued by local authorities.

Prior to the drafting of this letter, a number of administrative consultations were held with the municipalities, on 10 April 2008, 25 September 2008, 10 December 2008 and 13 May 2009.

This letter begins by outlining the basic principles that guided central government in following up on the motion. This is followed by a brief sketch of the background of the problem (section 2), the efforts of the municipalities to resolve it (section 3) and the response of central government (section 4).

1.2 Principles followed by central government in implementing the motion

The problems identified by the 'Roma municipalities' among the Roma population (e.g. disproportionately high crime rates, extremely high truancy rates and antisocial behaviour) are a source of great concern. The laws and traditions that have taken shape within the Roma community over the centuries often run counter to Dutch rules and values, thereby impeding an effective approach to the problem.

The consultations referred to above came about after the municipalities approached central government for help in dealing with serious problems being caused by a segment of the Roma communities.

First and foremost, the municipalities have expressed the hope that central government appreciates the urgency of the problem. They also expect central government to inform them about either existing or planned policies at national level that would be relevant to this issue. They ask central government to be creative and proactive in helping to devise solutions and in lending support as they seek out their own solutions. Along with this, the 'Roma municipalities' request financial support from central government to address the problem. Central government, for its part, would like to encourage these municipalities to use the opportunities afforded by standard policy as effectively as possible.

At the meeting of 13 May 2009, I stressed that central government regarded the 'Roma municipalities' as partners. This partnership is partly based on the fact that it was these

municipalities that agreed, at the request of central government, to admit the Roma who were allowed to settle in the Netherlands as a result of the general amnesty scheme of 1978.

The local character of the various problems associated with the Roma does not alter their gravity. The first general principle observed by central government in implementing the motion is that the municipalities themselves are responsible for dealing with the problems of the local Roma population. Having said that, central government in no way wishes to diminish the urgency and severity of these problems.

What this means is that solutions will mainly have to be sought at local level and that central government does not intend to introduce new policy specifically targeting the Roma. Success will be achieved through the effective implementation of standard policy, and the instruments it offers, at local level. The spectrum of measures and instruments provided for by standard policy is not being used to its full potential.

The second principle informing central government's response to the motion is therefore that 'Roma municipalities' should be encouraged to make full and effective use of the opportunities afforded by standard policy to deal with the problems within certain segments of local Roma communities.

Because municipalities are being encouraged to work with existing policy, no additional financial resources will be released beyond those already set aside for standard policy. The key is judicious spending of existing resources and targeted use of enforcement capacity (police, school attendance officers).

The third principle is that for various reasons the Roma community itself is absolutely essential for dealing with problems within its own ranks. Policy is most effective when it enjoys the support of the community it aims to impact. Using existing resources and instruments, the municipalities must find allies within the local Roma communities and hold them to their responsibility for the position of their community (both locally and nationally).

It is further hoped that a joint approach by the municipalities and the Roma communities could strengthen mutual ties and reduce the psychological distance between the two sides.

It is of paramount importance that firm measures be taken against crime, truancy and antisocial behaviour. However, this will not suffice. It is equally important to prevent problems before they surface and to create opportunities. Based on the approach adopted for high-risk young people of Moroccan descent (House of Representatives 2008-2009, 31 268, no. 13), the fourth principle that will guide central government in implementing the above motion is setting boundaries and creating opportunities. This entails upholding equal rights *and* equal responsibilities: enforcing the law while providing help as needed.

2. Background of the problem

In accordance with the motion, which advocates 'a joint approach with the "Roma municipalities"', this letter confines itself to those municipalities that took in Roma as part of the general amnesty of 1978.

At the request of central government, the Roma who fell under this general pardon were admitted to eleven municipalities: Berkel-Enschot, Capelle aan den IJssel, Ede, Epe, Gilze-Rijen, Lelystad, Nieuwegein, Oldenzaal, Spijkenisse, Veendam and Utrecht. Over time these

Roma also moved into other cities and towns such as Amsterdam, Breda, Den Bosch, Enschede, Tilburg and Veldhoven.

About 3,000 Roma are estimated to have settled in the Netherlands as part of the 1978 amnesty. In absolute terms, therefore, this group is thus far smaller than the Roma communities in Eastern European countries like Romania, Hungary and Slovakia. Numerous problems have been cited among segments of the Roma populations, including poverty, crime, low labour market participation, disproportionate dependence on benefits, and discrimination. We also have a duty to prevent the social exploitation of Roma children, who are sent out to earn money as street musicians or in some other way. When it comes to boosting the group's labour market participation, the municipalities already have a wide range of reintegration instruments at their disposal. Central government regards these standard instruments as adequate to the task at hand. In talks with the municipalities in question, it was emphasised that the Roma's great mobility and close family ties (within the Netherlands and in Europe as a whole) magnify existing problems.

The three main problems are the disproportionately high involvement in criminal activity, extremely high truancy rates and antisocial behaviour. Sociocultural factors are a major cause of these problems.

'Roma municipalities' have indicated that Roma are overrepresented in crime statistics. Figures from Nieuwegein, for example, show high recidivism rates among Roma, especially young people. Around a quarter of Roma under the age of 18 are believed to have a criminal record. The corresponding figure for the remaining population of the municipality is 2%. Among Roma over 18, more than three-quarters have criminal records, as against 15% of the remaining population. In addition, the police often come across minors under the age of twelve who have been induced to engage in criminal activities.

The extravagant spending habits common to Roma culture are incommensurate with a subsistence income. They lead to debts and also to crime. In addition to violent crime, non-violent crime and traffic offences, property offences are also common among Roma. The cultural background of the Roma is relevant to law enforcement generally and to crime-fighting specifically. Enforcing Dutch law within the Roma community requires extra efforts because the Roma regard it as subordinate to their own laws and traditions, which have evolved over the centuries. This mindset also causes the Roma to place themselves outside Dutch society.

It goes without saying that central government does not accept the Roma's distinct cultural traditions as an excuse for greater than average levels of criminal behaviour.

With respect to truancy, the municipalities in question have noted that a large percentage of Roma children do not attend school regularly or in some cases, at all. It has also been suggested that a number of Roma children are not receiving the best education for their abilities because they are difficult to test, on account of their background and various learning gaps. Many Roma pupils are regularly absent from school for extended periods of time due to family issues or temporary stays abroad. Many drop out after completing their primary education. Few Roma young people finish their secondary education. This is also apparent from their level of participation on the labour market, which in some municipalities is virtually nil. A poor command of Dutch is another problem, but because Roma are either EU citizens or stateless, they are not obliged to take a civic integration course.

The fact that in the Roma culture girls are encouraged to marry as young as possible contributes to truancy and drop-out rates. As they see it, family honour cannot be compromised by allowing a sexually mature girl to attend school. This problem is compounded by the fact that many parents see no benefit in having their children learn to read and write because the Roma have no written tradition. Romany, the language of the Roma, is primarily a spoken language rather than a written one.

'Roma municipalities' have also complained that local Roma populations infringe parking regulations and cause noise nuisance. This frequently leads to neighbourhood feuds and to poor or outright hostile relations with other members of the community.

This kind of antisocial behaviour also has a cultural dimension. Roma families are known to house out-of-town relatives (sometimes from outside the Netherlands) for long periods of time. The flats and houses they live in are not designed for long-term occupancy by families of this size. Overcrowding only exacerbates the problems cited above.

It should be noted that this summary of the problems associated with the Roma is, as mentioned before, based on estimates. There is a lack of hard data on the subject. This is partly due to the itinerant lifestyle of the Roma, marked by frequent moves and visits from family members (sometimes of a prolonged nature). This makes registration more difficult, as does the fact that Roma have not been registered by ethnicity in the Netherlands since the Second World War. In addition, a proportion of the Roma population is stateless. These concerns about registration will be considered by the government as it formulates its position on ethnic registration.

3. Efforts by the municipalities

The 'Roma municipalities' describe the problems they are facing as 'highly complex and intractable', arguing that despite the relatively small size of the group in question, 'their presence in the municipality demands a very policy-intensive agenda on the part of the municipal authorities'.

To tackle these 'highly complex and intractable' problems, the 'Roma municipalities' have primarily concentrated on providing support for parents and improving school attendance and job market participation. There has been less of an emphasis on law enforcement measures. Various municipalities also have a special policy officer or 'programme manager' dedicated to Roma issues, and the municipality of Nieuwegein has allocated more manpower for this out of its own resources.

A major priority for all the municipalities is the high truancy rates among Roma children, and the school attendance officer is making special efforts to correct this problem. A solid policy on truancy in a number of municipalities (Amsterdam, Nieuwegein, Capelle aan den IJssel and Veldhoven) has increased school attendance among the Roma. But truancy and dropout remain a problem. To deal with this issue, school attendance officers are working closely with parents, students, schools and social workers, such as staff at the Youth Care Office and family coaches.

Besides these efforts to raise school attendance, a number of other educational initiatives have been launched. Enschede, for example, is running a residential support project to bring education 'closer to home', while Nieuwegein, Ede and Lelystad have launched projects to provide extra schooling for Roma girls over the age of 12. A literacy programme for adults has been set up by the municipality of Veldhoven.

To increase labour market participation within the Roma community, Capelle aan den IJssel carried out the employment project 'Roma in business' between 1 July 2005 and 31 December 2007, as part of the larger Equal Project. The project resulted in some valuable lessons for the participating organisations about how best to encourage more Roma into the labour market.

Municipalities are investing a relatively large proportion of their own resources in family coaches. The mayor of Nieuwegein, for example, reported at the consultation of 13 May 2009 that €300,000 was set aside annually for this purpose.

4. Response by central government

Central government takes the position that the problem should be dealt with primarily at local level and that municipalities should be encouraged to use existing measures and available instruments to tackle the problems identified among segments of the Roma population. To encourage the municipalities in that direction, greater expertise is necessary.

By letter of 22 October 2008 (House of Representatives 2008-2009, 20 454, no. 93), the State Secretary for Health, Welfare and Sport reported on the progress made in establishing a national support office for Sinti and Roma. Development of the office is at an advanced stage. Once complete, it will work for and with all levels of government, civil society organisations, Sinti and Roma, and other members of the public. With its many contacts at all levels and with all target groups, it will have a good picture of the general situation and will fulfil the role of knowledge broker. There is considerable public support for the creation of this support office and for the methods it will use.

At the aforementioned meeting of 13 May with the 'Roma municipalities', a number of participants expressed their doubts about the nature of the support office. They would prefer to see an organisation devoted solely to their needs, with a role for the Association of Netherlands Municipalities (VNG).

The resources for establishing the support office were provided by central government as compensation for shortcomings in the rehabilitation of Sinti and Roma following the Second World War. The funds have been specifically earmarked to improve the situation of Sinti and Roma in the Netherlands and cannot be used for any other purpose. It goes without saying that the office will maintain good ties with the VNG, and with any other organisations that can help improve the social position of Sinti and Roma in the Netherlands while respecting their distinctive identity.

The 'Roma municipalities' are seeking to acquire knowledge related to setting boundaries and creating opportunities – or to put it in professional terms: law enforcement and social care. The support office, which is being financed by the Sinti and Roma Restitution Fund, will work hard in a variety of areas to bolster the position of these groups. These efforts will centre on creating opportunities for the community. To support the two-pronged approach referred to above, I will be setting aside €60,000 for the 2010-2012 period for the VNG, which gives municipalities substantive support with best practices related to law enforcement, especially administrative law. One of the main ways of doing this is by facilitating intermunicipal cooperation.

Effective policy depends not only on expertise but also on the systematic involvement of the Roma community at local level in policymaking that affects them. To make this possible, the

municipalities concerned have a duty to find allies within the local Roma community and to remind them of their responsibility for their community's position.

At the meeting of 13 May, the municipalities acknowledged the value of the systematic involvement of the Roma community in policies that relate to them, but they were quick to point out the difficulty of achieving this. Talks with the municipalities have revealed that, with few exceptions, leading figures within the Roma community often have a criminal record, which makes it difficult for the municipal authorities to maintain any kind of relationship with these individuals. There is also some doubt about the legitimacy of these individuals as community representatives. In most 'Roma municipalities', the Roma have no form of self-organisation, and whatever organisations that do exist are not regarded as representative of the whole community.

Central government is well aware that establishing a dialogue with minorities is no easy task. This is one of the reasons the National Ethnic Minorities Consultative Committee, based on the Minorities Policy (Consultation) Act (Bulletin of Acts and Decrees 1997, 335) was set up: to serve as an example for local authorities.

A. Setting boundaries

To be able to set boundaries effectively, 'Roma municipalities' need to build knowledge within their police forces about Roma culture and Roma-related crime (both nationally and internationally). On this point the government would remark that the Minister of the Interior and Kingdom Relations will seek to raise the level of knowledge about Roma within the police force and will review the options for reviving the Roma expertise group, either within the police or the Diversity and Police Expertise Centre (LECD).

In this same spirit, the 'Roma municipalities' have also asked central government to look into ways of registering the movements of Roma (both within the Netherlands and internationally), given their unusually high degree of mobility. This request is being considered by the government as it formulates its position on registration (ethnic and otherwise), though it must be said that sound reasons must be given to justify the utility and necessity of registration.

The municipalities have also requested more freedom to modify suspended sentences as the situation warrants. The scope for handing down 'tailor-made' sentences will be increased. Reducing crime in general is a high priority. Current policy enables local authorities to achieve results through standard measures. Agreements can be made between the mayor, the chief of police and the public prosecutor to that end. These should centre on consistent enforcement, targeted investigation, a geographic- and person-specific approach and the use of behavioural interventions, possibly in the context of a suspended sentence.

Community safety partnerships (*veiligheidshuizen*) are being introduced around the country, enabling municipalities, young offenders' institutions and youth care institutions, probation services, the Child Protection Board, the police and the public prosecution service to discuss crime and antisocial behaviour and coordinate preventive, corrective and aftercare measures. The discussions of actual cases within this partnership follow a person-specific approach. Options like family coaching, a greater focus on truancy and dropout, and assistance in entering or re-entering the job market also extend to the Roma, and this will be factored into judicial decisions and the disposal of the case (the link between penalties and care).

There is a great deal of scope for tailoring suspended sentences to individual defendants, and implementation practices are currently being improved. A bill designed to further enhance the way suspended sentences are imposed has been sent to the Council of State for advice. The bill contains a list of special conditions, such as submitting to behavioural therapy, undergoing some form of treatment (possibly on an outpatient basis), or keeping to the terms of a restraining order, notification requirement or an order to avoid alcohol. This clarity enables us to monitor offenders more effectively as they re-enter society. To ensure that the conditions are upheld, any violations must be met with a swift response. When a convicted person fails to observe one or more of the conditions, the public prosecutor will request the court to impose the suspended custodial sentence. As things now stand, such people often remain free until the court has decided whether to impose the custodial sentence. This is an undesirable state of affairs. The bill therefore provides for the detention of convicted offenders pending a sentencing decision by the court.

The 'Roma municipalities' have also expressed a need for appropriate reception facilities in safe surroundings for people who have been removed from their homes. On this point the government would refer to its plans, first discussed in December 2008, to expand the scope of mandatory parenting support, including by empowering the mayor to bring children before children's judges via the Child Protection Board. This proposal has been included in the Child Protection Reform Bill that will be submitted to the House of Representatives. In addition, the Youth and Family Centres Bill will make municipalities responsible for ensuring that all parties that work with young people enter into partnership agreements about helping out problem families. If the various public bodies involved cannot reach agreement on how best to coordinate care in cases where intervention is sorely needed, the bill authorises the mayor to designate a given body as the party responsible for ensuring that a family receives the support it needs.

In the case of problems related to child rearing and child development, the Youth Care Office is the most appropriate agency for providing assistance and/or for ensuring that the appropriate care is given. In order for the Office to function properly, provincial authorities, which are responsible for youth care, must develop a good range of care options. After all, Roma have a right to care that is appropriate to their situation. If a particular situation is deemed to be harmful for the development of minors, the case will be referred to the Child Protection Board, which will conduct an investigation and, if necessary, request child protection measures.

With respect to the problem of underage Roma who spend their days trying to earn money on the street (for instance as street musicians) rather than attending school, the Compulsory Education Act can be used to exert pressure on them to return to school.

B. Creating opportunities

To create opportunities for the Roma, the municipalities in question have requested funding to raise awareness about preschool education. On this question I would point to the administrative agreement between central government and the municipalities signed on 4 June 2007 which includes agreements on early childhood education (VVE). This agreement, together with the follow-up implementation agreement signed on 3 April 2008, stipulates that the municipalities will do their utmost to ensure that all preschool-age children are involved in some form of early childhood education, whether at a crèche or a playgroup by 1 August 2011. By entering into this agreement, municipalities pledged to take responsibility for meeting the VVE goals. That implies, among other things, that the municipalities will make an additional effort to identify children and ensure they can benefit from a VVE place. This

will necessarily entail raising awareness of VVE within the community. The letter on childcare by the State Secretary for Education, Culture and Science, Sharon Dijksma, of 23 May 2008 (House of Representatives 2007-2008, 31 322, no. 24) details what investments have been made in preschool education.

The 'Roma municipalities' have also requested financial help for experimental education projects aimed at Roma girls between 11 and 15. In Roma culture it is common for girls to be taken out of school once they reach adolescence. This is an undesirable development. Municipalities are attempting to put an end to this with pilot educational projects aimed at Roma girls between 11 and 15. The municipalities' interest in helping these girls is laudable. For this target group, the main priority should be enforcing the Compulsory Education Act. For this reason I see no grounds for releasing additional funds.

The municipalities have also requested support for specific educational assistance projects for schools, designed to reduce persistent disparities in achievement between Roma children and their peers. In response I would refer them to the National Information and Support Centre for Specific Target Groups (LISD), which is affiliated with the Catholic Educational Advisory Centre in Den Bosch. The LISD is composed of a variety of interest groups, one of which is the National Educational Support Agency for Roma, Sinti and Traveller Children in the Netherlands (OWWZ), which provides its expertise for a project training teaching assistants to deal with the special needs of these families.

Finally, I would like to address the municipalities' request with regard to family coaches. In response to the specific question about how central government could aid their efforts to provide parenting support, the Minister for Youth and Families has remarked that youth and family policy emphasises empowering the community to deal with its own problems and providing accessible parenting support through Youth and Family Centres. Family coaching (i.e. the placement of a care coordinator, or 'coach', with the family) is an option for families with multiple problems. This coordinator acts as a liaison for the family and can bring in other care workers if necessary. Under the guidance of the municipalities, the agencies in question coordinate the care given to families in accordance with the principle of 'one family, one plan'.[8] Intensive family interventions can be financed with regular resources that municipalities receive for parenting support and Youth and Family Centres, and with resources earmarked for provincial youth policy.

5. Conclusion

The 'Roma municipalities' and I are in full agreement about the nature, scope and urgency of the problems associated with the Roma community. I do, however, have reservations about the proposed approaches and solutions, because not all existing instruments and measures afforded by standard policy have been exhaustively implemented at local level. Municipalities are entitled to expect adequate information from central government where there is overlap with relevant existing policies and to be offered suggestions for possible solutions. This letter documents my response. However, the actual work will have to be done at local level.

At our consultation of 13 May 2009 I promised to meet with the municipalities twice a year to discuss progress. On the basis of these consultations, I will keep you updated on new developments in this area of policy.

[8] This approach produces swift, appropriate, effective and coherent help for problem families, with the goal of strengthening the family and improving the overall quality of life of its individual members.

This letter is also being sent on behalf of the Minister of Justice; the Minister of the Interior and Kingdom Relations; the Minister for Youth and Families; the State Secretary for Health, Welfare and Sport; and the State Secretary for Education, Culture and Science.

Yours sincerely,

Eberhard van der Laan
Minister for Housing, Communities and Integration