



European
Social
Charter

Charte
Sociale
Européenne



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

29/10/2012

RAP/RCha/NEV(2012)Add

EUROPEAN SOCIAL CHARTER

REPLY TO SUPPLEMENTARY QUESTIONS

5th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE NETHERLANDS

(Article 1§2
for the period 01/01/2007 – 31/12/2010)

Report registered by the Secretariat on 30 July 2012

CYCLE 2012

Questions

What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?

Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?

Answer

Pursuant to Article 12k of the Military Personnel Act, an appointment as a member of regular personnel includes the obligation to serve for the duration of the initial training and for a period of four years thereafter.

There are two exceptions in the Military Personnel Act, in which a longer service obligation applies, namely:

1. the multi-year officers' training involves the obligation of serving as a member of regular personnel for the duration of the training (between 4 and 4,5 years) plus a period of seven years thereafter;
2. pilot training involves the obligation of serving as regular personnel for the duration of the training (7 years) plus a period of ten years thereafter.

Both exceptions are consequences of the high cost of these training courses and the required return on this investment.

In addition, there are two categories for which the service obligation is shorter than the regular four years:

1. Military personnel in the private or corporal ranks who are assigned to the Royal Netherlands Army: for the duration of the initial training (6 months) plus a period of two years thereafter;
2. Military doctors, dentists and pharmacists: for the duration of the initial training (2 years) plus a period of three years thereafter.

The shortening of the service obligation for category 1 is a recruitment incentive; school leavers with relatively low levels of previous education were discouraged by the long service obligation. The shortening of the service obligation for category 2 is based on the fact that the persons in question have already completed a civilian training curriculum. The training investment made by the Defence organisation is therefore significantly lower than what is the case with "regular" officers.

Exemption from the service obligation is only granted occasionally and in case of very specific, personal circumstances.

SECRETARIAT GENERAL

**DIRECTORATE GENERAL
HUMAN RIGHTS AND RULE OF LAW**

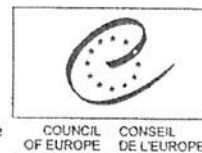
DIRECTORATE OF HUMAN RIGHTS

**HEAD OF THE DEPARTMENT
OF THE EUROPEAN SOCIAL CHARTER
AND THE EUROPEAN CODE OF SOCIAL SECURITY,
EXECUTIVE SECRETARY
OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS**

ESC 170
HK/CT



European Social Charter
Charte Sociale Européenne



COUNCIL OF EUROPE
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Ingekomen	25 JUN 2012		Jan	
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Nee	15-7-2012	Dep. date		

Mr Kees Terwan
Ministry of Social Affairs and Employment
International Affairs Directorate
Postbus 90801
NL - 2509 LV THE HAGUE
The Netherlands

Strasbourg, 14 June 2012

Dear Mr Terwan,

The European Committee of Social Rights is currently examining the States' reports on the European Social Charter with respect to the thematic group on "employment, training and equal opportunities" and has instructed me to forward to you the enclosed questions.

The Committee would be grateful if you could reply to these questions before 27 July 2012 in order to allow the information to be taken into account in Conclusions 2012.

Yours sincerely,

Régis Brillat

Régis Brillat



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EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITE EUROPEEN DES DROITS SOCIAUX

14 June 2012

Questions addressed to The Netherlands

Article 1§2 (prohibition of discrimination in employment/ forced labour/ right to earn one's living in an occupation freely entered upon):

- *What is the length of, if any, compulsory minimum period of service required of those serving in the professional armed forces?*
- *Are there circumstances, such as specialised training or specific operational requirements, which entail a different compulsory minimum term of service in the professional armed forces and under what conditions may the persons concerned leave the service before the expiry of this term?*