



March 2024

## **European Social Charter (REVISED)**

European Committee of Social Rights

Conclusions 2023

**NETHERLANDS**

*This text may be subject to editorial revision.*

The function of the European Committee of Social Rights is to rule on the conformity of the situation in States with the European Social Charter. In respect of national reports, it adopts conclusions; in respect of collective complaints, it adopts decisions.

Information on the Charter, the Committee, the national reports as well as the Statement of interpretation on Article 17 adopted by the Committee during the supervision cycle can be found in the General Introduction to all Conclusions.

In accordance with the reporting system adopted by the Committee of Ministers at the 1196th meeting of the Ministers' Deputies on 2-3 April 2014, the report requested from the States Parties concerned the following provisions of the thematic group IV " Children, families and migrants ":

- the right of children and young persons to protection (Article 7),
- the right of employed women to protection of maternity (Article 8),
- the right of the family to social, legal and economic protection (Article 16),
- the right of mothers and children to social and economic protection (Article 17),
- the right of migrant workers and their families to protection and assistance (Article 19),
- the right of workers with family responsibilities to equal opportunity and treatment (Article 27),
- the right to housing (Article 31).

The reference period was from 1 January 2018 to 31 December 2021.

The following chapter concerns the Netherlands, which ratified the Revised European Social Charter on 3 May 2006. The deadline for submitting the 16th report was 31 December 2022 and the Netherlands submitted it on 23 December 2022.

The Committee recalls that the Netherlands was asked to reply to the specific targeted questions posed under various provisions (questions included in the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter). The Committee therefore focused specifically on these aspects. It also assessed the replies to the previous conclusions of non-conformity, deferral and conformity pending receipt of information (Conclusions 2015).

In addition, the Committee recalls that no targeted questions were asked under certain provisions. If, in its previous conclusion (Conclusions 2015), the Committee concluded that the situation was in conformity, there was no examination in 2023.

The Netherlands has not accepted Article 19§12 from the above-mentioned group.

The conclusions relating to the Netherlands concern 35 situations and are as follows:

- 18 conclusions of conformity: Articles 7§2, 7§4, 8§§1-5, 16, 17§2, 19§§1-3, 19§5, 19§§7-8, 27§§1-3.
- 17 conclusions of non-conformity: 7§1, 7§3, 7§§5-10, 17§1, 19§4, 19§6, 19§§9-11, 31§§1-3.

Conclusions and reports are available at [www.coe.int/socialcharter](http://www.coe.int/socialcharter).

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 1 - Prohibition of employment under the age of 15*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee notes that it has previously considered that the situation in the Netherlands was in conformity with Article 7§1 of the Charter.

The Committee has observed that many States’ legislation is in conformity with the Charter regarding the minimum age for employment. Nevertheless, the Committee is concerned about the situation in practice. There are data that suggest that in many countries there are significant numbers of children working illegally. However, there are few official data on the extent of the problem. Therefore, as targeted questions to the States, the Committee asked for information on the measures taken by the authorities (e.g. Labour Inspectorates and social services) to detect child labour, including children working in the informal economy. It also asked for information on the number of children actually working, as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally.

The report states that the Netherlands Labour Authority (NLA) conducts risk-based monitoring of compliance with child labour legislation and regulations. In the case of certain violations, the Labour Authority can impose an immediate fine. This applies to non-compliance with the ban on child labour; to labour performed by a child under 13 years of age; to artistic labour performed by a child for whom no exemption has been granted; to artistic labour performed by a child aged 12 years or under during the hours from 23:00 to 08:00; and to any breach of the conditions attached to an exemption that has been granted. It is also possible to impose an immediate fine if non-compliance with the ban on child labour and the above-mentioned exceptions involves a dangerous situation.

Thus, if the rules on child labour that apply to 13 to 15-year-olds are violated and this creates a dangerous situation for a child, an immediate fine can be imposed. A distinction is made between enforcement in relation to the parents and enforcement in relation to the employer. For the employer in the above-mentioned situation, a report is drawn up detailing the fine. In the case of the parents, they are initially issued with a warning or if they gave permission for, or were present at, the prohibited activities, they too are given an immediate fine.

In 2020 the NLA conducted 106 inspections involving violations of the rules governing child labour. In 2021 133 inspections were conducted. These inspections led to 15 fines in 2020, and 36 fines in 2021.

The Committee notes from the report that 13-14 years olds can perform light work work 7 hours a day and 35 hours a week during school holidays.

The Committee refers to its Statement of Interpretation 2015 on the permitted duration of light work and recalls that children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only “light” work. Work considered to be “light” in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work” and the maximum permitted duration of such work. As to the length of such work during school term time, the Committee considered that a situation in which children who were still subject to compulsory schooling carried out light work for two hours on a school day and 12 hours a week in term outside the hours fixed

for school attendance was in conformity with the requirements of Article 7 of the Charter (Conclusions 2011, Portugal). Regarding working time during school holidays, the Committee considered that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risk to their health, moral welfare, development or education (Conclusions 2015, General Introduction, Statement of interpretation of Article 7§1).

The Committee considers that the situation is not in conformity with the Charter as the working time of seven hours a day and 35 hours a week during school holidays are excessive and therefore cannot be considered as light.

#### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§1 of the Charter on the ground that 13-14-year-olds can perform light work for 7 hours a day and 35 hours a week during school holidays, which is excessive and therefore, cannot be regarded as light.

**Article 7 - Right of children and young persons to protection**

*Paragraph 2 - Prohibition of employment under the age of 18 for dangerous or unhealthy activities*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 7§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In reply to the Committee's previous question, the report indicates that the Netherlands Labour Authority has issued one fine in the period from 2018 to 2021 for work done by young people while exposed to sprayed crops.

*Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 7§2 of the Charter.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 3 - Prohibition of employment of children subject to compulsory education*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 7§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In its previous conclusion (Conclusions 2015) the Committee found that the situation in the Netherlands was not in conformity with Article 7§3 of the Charter on the following grounds:

- children aged 15 who are still subject to compulsory education are not guaranteed an uninterrupted rest period of at least two weeks during summer holiday;
- it is possible for children aged 15, who are still subject to compulsory education, to deliver newspapers before school from 6 a.m. for up to 2 hours per day, 5 days per week.

As regards the first finding of non-conformity the Committee notes from the report that 15-year-olds are permitted to work a maximum of six weeks annually during school holiday periods, no more than four weeks of which may be consecutive. Since they have at least 12 weeks' holiday a year, six weeks of which are the summer holiday, 15-year-olds have the possibility of at least two weeks' rest during the summer holiday.

As regards the second ground of non-conformity, according to the report, the special rules exist for children aged 15 and over who deliver morning newspapers to ensure they have sufficient rest and time for school attendance and homework: they may not work more than two hours a day and they must have a daily uninterrupted rest period of 12 hours, including the hours between 19:00 and 06:00. This means that if a child delivers newspapers starting at 06:00, the rest period starts at 18:00 the previous day.

The Committee notes that the situation which it has previously (Conclusions XVII-2, 2011, 2015) found not to be in conformity with the Charter has not changed. Therefore, it reiterates its previous finding of non-conformity.

The Committee further notes from the report that 15 year-olds are permitted to work up to 40 hours a week during school holidays, with 12 hours of rest per day.

The Committee recalls in this respect that Article 7§3 requires States Parties to ensure that children still subject to compulsory education and employed to work are not deprived of the full benefit of their education. Children under the age of 15 and those who are subject to compulsory schooling are entitled to perform only “light” work. Work considered to be “light” in nature ceases to be so if it is performed for an excessive duration. States are therefore required to set out the conditions for the performance of “light work” and the maximum permitted duration of such work. The Committee considers that children under the age of 15 and those who are subject to compulsory schooling should not perform light work during school holidays for more than 6 hours per day and 30 hours per week in order to avoid any risks that the performance of such work might have for their health, moral well-being, development or education (Statement of Interpretation of Article 7§1 and 7§3, 2015).

The Committee notes that education is compulsory in the Netherlands until the age of 16. Therefore, the Committee considers that allowing children at the age of 15, still subject to compulsory education to work 40 hours a week, is excessive. Therefore, the situation is not in conformity with the Charter.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§3 of the Charter on the grounds that:

- 15 years olds can deliver newspapers for 2 hours in the morning;
- 15 years olds can work 40 hours a week during school holidays, which is excessive may deprive them of the full benefit of education.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 4 - Working time*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no questions were asked for Article 7§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§4 requires that the working hours of persons under 18 years of age are limited in accordance with the needs of their development, and particularly with their need for vocational training.

In its previous conclusion, the Committee found that the situation in the Netherlands was in conformity with Article 7§4 of the Charter (Conclusions 2019). Accordingly, there was no examination of the situation in 2023 and the Committee reiterates its conclusion of conformity.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 7§4 of the Charter.



## **Article 7 - Right of children and young persons to protection**

### *Paragraph 5 - Fair pay*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 7§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee considered that the situation in the Netherlands was not in conformity with Article 7§5 of the Charter on the grounds that young workers’ wages were not fair; and apprentices’ allowances were not adequate (Conclusions 2019). The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

### ***Fair remuneration for young workers and apprentices***

The Committee recalls that the young workers’ wage may be less than the adult starting wage, but any difference must be reasonable and the gap must close quickly. For 15/16 year- olds, a wage of 30% lower than the adult starting wage is acceptable. For sixteen/eighteen year-olds, the difference may not exceed 20%.

The report provides that the amount of the minimum wage is adjusted twice a year, in line with changes in average collectively agreed wages in the Netherlands. The Committee notes that, in 2021, the nominative average wage was increased, however, the the gap between the minimum wages of a young worker and an adult remained manifestly disproportionate, amounting to 50% for 18 year-olds and 34% for 16 year-olds.

The Committee further notes that in its previous conclusion under Article 4§1 of the Charter (Conclusions 2018) it concluded that the situation in the Netherlands was not in conformity with the Charter on the ground that the reduced rates of the statutory minimum wages applicable to young workers are manifestly unfair.

The Committee finds that the situation remains unsatisfactory and does not meet the requirements of Article 7§5 of the Charter. The Committee therefore maintains its conclusion of non-conformity on this point.

As regards apprentices, the report does not provide information on any developments. The Committee accordingly considers that there were no changes to the situation and maintains its conclusion of non-conformity on this point.

The Committee noted in its previous conclusion from the comments submitted by FNV that 23.5% of the apprentices did not receive any form of remuneration and requested that the report provides comment on the information provided by FNV. No information has been provided.

### ***Fair remuneration in atypical jobs***

For the present monitoring cycle, the Committee requested updated information on net minimum wages and allowances payable to persons under 18 years of age. In particular, it asked for information on measures taken to ensure that fair remuneration is guaranteed to young workers:

- i) in atypical jobs (part-time work, temporary work, fixed-term work, casual and seasonal work, self-employed people, independent workers and homeworkers.)
- ii) in the gig or platform economy and

iii) having zero hours contracts.

The report does not provide information in this regard.

Due to the failure to provide the information, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§5 of the Charter as regards the fair remuneration in atypical jobs.

### **Enforcement**

In the context of the present monitoring cycle the Committee also requested information on measures taken to ensure that this right of young persons to fair pay is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions).

The report states that if an employer fails to comply with the minimum wage, the young person can report the matter to the Netherlands Labour Authority (anonymously if preferred) using an online underpayment reporting form. If the Netherlands Labour Authority decides that the young person was indeed underpaid, it will immediately impose a fine on the employer. Fines range from €500 to a maximum of €10,000, depending on the duration and percentage of the underpayment. In addition, the employer must pay the back wages within four weeks. If it fails to do so, the Labour Authority can impose a penalty payment. Another option for an employee to seek redress for underpayment (in addition to the Labour Authority) is to institute proceedings at the limited jurisdiction sector of the district court. In addition, the Labour Authority investigates accidents, complaints and other reports and conducts investigations into the operation and effects of the social security system (system supervision).

### *Conclusion*

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 are not fair;
- apprentices' allowances are not appropriate.

Due to the failure to provide the information listed below the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§5 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

List of questions:

- measures taken to ensure that fair remuneration is guaranteed to young workers in atypical jobs, in the gig or platform economy and having zero hours contracts.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 6 - Inclusion of time spent on vocational training in the normal working time*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no questions were asked for Article 7§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

The Committee recalls that Article 7§6 requires that time spent on vocational training by young people during normal working hours must be treated as part of the working day (Conclusions XV-2 (2001), Netherlands). Such training must, in principle, be done with the employer’s consent and be related to the young person’s work. Training time must thus be remunerated as normal working time, and there must be no obligation to make up for the time spent in training, which would effectively increase the total number of hours worked (Conclusions V (1977), Statement of Interpretation on Article 7§6). This right also applies to training followed by young people with the consent of the employer and which is related to the work carried out, but which is not necessarily financed by the latter.

In its previous conclusion, the Committee found that the situation in the Netherlands was not in conformity with Article 7§6 of the Charter on the ground that the time spent in vocational training is not included in the normal working time and remunerated as such for the majority of workers (Conclusions 2019).

The report does not provide any information in this respect. The Committee thus considers that there has been no change to the situation and it reiterates its conclusion of non-conformity.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§6 of the Charter on the grounds that:

- the time spent in vocational training is not included in the normal working time;
- the time spent in vocational training is not remunerated as working time for young workers.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 7 - Paid annual holidays*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 7§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was in conformity with Article 7§7 of the Charter, pending receipt of the information requested (Conclusions 2015).

The Committee asked for information on the number and nature of violations detected, as well as on the sanctions imposed by the Labour Inspectorate for breach of the regulations regarding paid annual holidays of young workers under 18 years of age. The report notes that the Labour Inspectorate does not collect the information requested by the Committee.

Due to the failure to provide requested information on the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### *Conclusion*

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§7 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the number and nature of violations detected, as well as the sanctions imposed for breach of the regulations regarding paid annual holidays of young workers under 18 years of age.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 8 - Prohibition of night work*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 7§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was in conformity with Article 7§8 of the Charter, pending receipt of the information requested (Conclusions 2015).

The Committee asked for detailed and up-to-date information on the legal framework applicable to night work for children, in view of amendments introduced on 1 July 2011, which appeared to extend the time limit applying to workers aged 15 working during school holidays from 7 p.m. to 9 p.m. The Committee notes that the information provided in the report is contradictory. Thus, the report indicates both 7 p.m. and 9 p.m. as the time limit applying to workers aged 15 working during school holidays. The report further notes that workers aged 16 to 18 are not permitted to work between 11 p.m. and 6 a.m. However, the report does not clearly state the rationale behind longer working hours for young workers in certain sectors, other than referring to extended supermarket opening hours. In this regard, the Committee recalls that derogations from the prohibition of night work under Article 7§8 of the Charter can be made as regards certain occupations in very limited cases, if they are explicitly provided in domestic law, necessary for the proper functioning of the economic sector, and if the number of young workers concerned is low (Conclusions XVII-2 (2005), Malta).

The Committee asked for information on the activities of the Labour Inspectorate of monitoring the prohibition of performing night work by young workers. The report notes that the Labour Inspectorate does not collect the information requested by the Committee.

Due to the failure to provide requested information on detailed and up-to-date information on the legal framework on the prohibition of night work for young workers under 18 years of age, including with respect to the scope and rationale of any derogations thereto; the number and nature of violations detected as well as on sanctions imposed by the Labour Inspectorate for breach of the prohibition of night work for young workers under 18 years of age, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### *Conclusion*

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§8 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- detailed and up-to-date information on the legal framework on the prohibition of night work for young workers under 18 years of age, including with respect to the scope and rationale of any derogations thereto;
- the number and nature of violations detected as well as on sanctions imposed by the Labour Inspectorate for breach of the prohibition of night work for young workers under 18 years of age.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 9 - Regular medical examination*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 7§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 7§9 of the Charter on the ground that it had not been established that regular medical examination of young workers was guaranteed in practice (Conclusions 2017).

The Committee notes that the legal provisions referenced in the report formed the basis for its previous conclusion of non-conformity (Conclusions 2017), which is, therefore, reiterated.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 7§9 of the Charter on the ground that young workers under 18 years of age employed in occupations prescribed by national laws or regulations are not subject to regular medical control.

## **Article 7 - Right of children and young persons to protection**

### *Paragraph 10 - Special protection against physical and moral dangers*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 7§10 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in the Netherlands was in conformity with Article 7§10 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information and the targeted questions.

### ***Protection against sexual exploitation***

The Committee has previously asked for an update of the legal situation concerning the protection of children (until the age of 18) from all forms of sexual exploitation (Conclusions 2015).

In the targeted questions, the Committee asked for updated information on measures taken to strengthen the protection of children, including migrant, refugee, and displaced children, from sexual exploitation and abuse (in particular, in response to the risks posed by the Covid-19 pandemic) during the reference period, including information on the incidence of such abuse and exploitation.

The report states that the Sexual Violence Against Children Victims Monitor 2017-2021 was published on 8 November 2022. The report includes statistics, for example, the percentage of persons aged 16 and 17 who had been subjected to certain forms of sexual violence in the previous 12 months. 13.9% of girls reported having experienced physical sexual violence and 28.5% of girls reported having experienced online sexual harassment. Among boys, these percentages were 3.1% and 9.3%, respectively. Among children under 12 years old, 7.9% of girls and 2.8% of boys reported having been subjected to physical sexual violence. In addition, 3.1% of the girls and 1% of the boys reported having experienced online sexual harassment.

Due to the failure to provide the requested information on measures taken to strengthen the protection of children, including migrant, refugee and displaced children, from sexual exploitation and abuse, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### ***Protection against the misuse of information technologies***

In the targeted question, the Committee asked for information on the protection of children from all forms of violence, exploitation and abuse in the digital environment, in particular sexual exploitation and abuse and solicitation for sexual purposes (grooming).

The report further states that the Dutch police are exploring ways of designing an online strategy to investigate sexual offences and human trafficking. It involves deploying specific online detection tools. The Dutch Expertise Bureau for Online Child Abuse works to prevent and combat the sexual abuse and exploitation of minors online and has several programmes: online images of sexual abuse of minors can be reported to the Child Pornography Reporting Centre anonymously; helpwanted.nl is a site that offers practical advice to victims; it also

contains information about sexting, grooming and sextortion; the programme Stop it Now! has a telephone hotline that provides anonymous support free of charge to people who are concerned about their sexual feelings and/or behaviour towards minors.

The report also states that the police and the Public Prosecution Service focus on identifying victims, abusers, producers of sexual abuse material and key players in online networks. The Netherlands uses a special tool, the instant image identifier, to match known child sexual abuse material with images posted on the internet. The National Action Plan “Together Against Human Trafficking” was launched in 2018, special attention is given to the online dimension of human trafficking and to young victims. The report also mentions other initiatives which are outside the reference period for the purposes of the present monitoring cycle.

### ***Protection from other forms of exploitation***

In its previous conclusion, the Committee asked for factual information on the extent and character of the problem of child trafficking and street children (Conclusions 2015).

Due to the failure to provide the requested information on the extent and character of the problem of child trafficking and street children, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### ***Covid-19***

In the context of the Covid-19 pandemic, the Committee asked for information on the impact of the pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.

The Committee recalls that Article 7§10 of the Charter guarantees protection against sexual and other exploitation of children as well as protection against the misuse of information technology and social media (for the purposes of online bullying, child pornography, grooming, harassment, etc.), which is particularly pertinent in view of the acceleration of digitalisation and online activity brought about by the pandemic (Statement on Covid-19 and social rights, 24 March 2021).

The report states that, during the Covid-19 pandemic, various regular sources of information relating to child abuse were monitored, including data from the *Veilig Thuis* (Safe at Home) domestic violence advice and reporting centre and from the police. The *Verwey-Jonker* Institute also commissioned a study into domestic violence during the pandemic.

### ***Conclusion***

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Netherlands is not in conformity with Article 7§10 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- on measures taken to strengthen the protection of children, including migrant, refugee and displaced children, from sexual exploitation and abuse;
- on the extent and character of the problem of child trafficking and street children.



## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 1 - Maternity leave*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked in relation to Article 8§1 of the Charter, only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group "Children, families and migrants").

As the previous conclusion found the situation in the Netherlands to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the right to paid maternity leave.

According to the report Covid-19 didn't have an impact on the right to paid maternity leave.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 8§1 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 2 - Illegality of dismissal during maternity leave*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked in relation to Article 8§2 of the Charter only a question in relation to Covid-19. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group “Children, families and migrants”).

As the previous conclusion found the situation in the Netherlands to be in conformity with the Charter (Conclusions 2015), there was no examination of the situation in 2023. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

The Committee asked whether the Covid-19 crisis had had an impact on the possibility of dismissing pregnant employees and those on maternity leave; it also asked whether there had been any exceptions to the ban on dismissal during pregnancy and maternity leave during the pandemic.

The government has indicated that the Covid-19 crisis has had no impact on the possibility of dismissing pregnant employees and those on maternity leave, or on the exceptions to the ban on dismissal during pregnancy and maternity leave.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 8§2 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 3 - Time off for nursing mothers*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 8§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the thematic group Children, families and migrants”).

As the previous conclusion found the situation in the Netherlands to be in conformity with the Charter (Conclusions 2015) there was no examination of the situation in 2023.

Therefore, the Committee reiterates its previous conclusion.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 8§3 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 4 - Regulation of night work*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§4 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§4 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.

The Committee notes from previous conclusions and the report that the Working Hours Act sets a general prohibition on night work for pregnant employees and those having given birth in the last six months except in exceptional circumstances. Where an employee has been placed on leave during the protected period because her work represents a risk to her health that is not avoidable by changing her working conditions or hours and she cannot be temporarily transferred to another job, her leave will be paid and she has a right to reinstatement when her condition so permits.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 8§4 of the Charter.

## **Article 8 - Right of employed women to protection of maternity**

### *Paragraph 5 - Prohibition of dangerous, unhealthy or arduous work*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions in relation to Article 8§5 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation was in conformity with Article 8§5 of the Charter, (Conclusions 2019). The assessment of the Committee will therefore concern the information provided by the Government in response to the targeted question.

In its targeted question the Committee asked for confirmation that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in the case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave and women concerned retain the right to return to their previous employment once their condition permits.

The report confirms that if an employee is exempted from work during the protected period because her work represents a risk to her health that is not avoidable by changing her working conditions or hours and she cannot be temporarily transferred to another work, her leave will be paid and she has a right to reinstatement when her condition permits it. The report emphasises that it is not possible to alter the employee's earnings.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 8§5 of the Charter.

## **Article 16 - Right of the family to social, legal and economic protection**

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the current reporting cycle, States were asked to respond to several targeted questions for Article 16 of the Charter as well as, where applicable, previous conclusions of non-conformity, deferral or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the Charter's implementation in respect of the provisions relating to the "Children, family and migrants" thematic group).

In its previous conclusion (Conclusions 2015), the Committee found that the situation in the Netherlands was not in conformity with Article 16 of the Charter on the grounds that, in respect of the Caribbean special municipalities,

- women were not adequately protected against domestic violence and
- there was no child benefit scheme.

The Committee's assessment will therefore relate to the information provided in the report in response to the conclusion of non-conformity, and to the targeted questions.

### ***Legal protection of families***

#### ***Rights and obligations, dispute settlement***

- **Mediation services**

In its previous conclusion (Conclusions 2015), the Committee asked for information on mediation services in respect of the Caribbean special municipalities (Bonaire, St. Eustatius and Saba), whether they were free of charge, how they were distributed across the country and how effective they were.

In response, the report indicates that youth care services are set up to support and mediate conflicts concerning, among other things, divorce, joint custody, visitation arrangements or communication breakdowns regarding the child. This support is available to parents/carers free of charge.

#### ***Domestic violence against women***

The Committee notes firstly that the Netherlands has ratified the Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention), which entered into force the Netherlands in March 2016.

Among the targeted questions that it raised, the Committee asked for updated information on measures taken to reduce all forms of domestic violence against women, including information on incidence and conviction rates.

The report indicates that the programme "Violence has no place in the home" ('*Geweld hoort nergens Thuis*') was launched in 2018 (extended for 2022) to invest additional resources in addressing domestic violence and child abuse, including violence against women. The programme focuses on multidisciplinary and collaboration in the presence of specialists not only in cases of acute threats to safety but also in cases of suspected criminal offences and when compiling a criminal case.

The report indicates that in 2021, 9,180 domestic violence cases were referred to the Public Prosecution Service. The cases handled resulted in 5,610 summonses and 4,085 cases court judgments were handed down with a finding of domestic violence.

In its previous conclusion (Conclusions 2015), the Committee noted that in the Caribbean special municipalities (Bonaire, St. Eustatius and Saba), domestic violence was a frequent issue which was not adequately addressed. Therefore, the Committee considered that the

situation was not in conformity with Article 16 of the 1961 Charter on the ground that women were not adequately protected against domestic violence.

In response, the report indicates that in 2017, an Initial Administrative Agreement was concluded on the approach to domestic violence and child abuse, by the Ministry of Health, Welfare and Sports, in cooperation with the public institutions of the Caribbean special municipalities. The agreement outlines five priorities, such as prevention, enhancing expertise, strengthening support services and shelters, developing a good reporting structure, and defining a legal framework. On 7 December 2020, the continuation of the Administrative Agreement for 2021-2024 was adopted.

In addition, an Advice and Reporting Centre on Domestic Violence and Child Abuse (AMHK) was established on Bonaire in July 2020. Initially dedicated to requests for advice and reports from professionals, the AMHK centre has been accessible to all Bonaire residents since October 2021. As of October 2021, Saba and St. Eustatius have had their own AMHK centres for professionals.

The Bonaire Public Authority, in partnership with the *Krusada* Foundation, opened the *Refugio Tabitha* Women's Shelter at the end of 2019. The women's shelter has 10 flats for women and their children. The public bodies of Saba and St. Eustatius are also working to develop a flexible shelter that can meet the needs of different target groups. While developing these plans, it continues to use commercial premises to house victims.

The Committee takes note of other measures to protect women against violence undertaken in the special municipalities of the Caribbean in cooperation with the European Netherlands. In particular, the report indicates that in the Caribbean Netherlands, legislative and other measures are taken to protect victims from violence. On 1 January 2022 (outside the reference period), an amendment to the Civil Code of Bonaire, St. Eustatius and Saba came into force, prohibiting violence in raising children. Moreover, victims in the Caribbean Netherlands (and their relatives or next of kin) may be entitled to a lump-sum payment through the Criminal Injury Compensation Fund. A victim support service is also available, offering legal, administrative and emotional support to victims of violence.

In light of all the information at its disposal, the Committee considers that the situation is in conformity with Article 16 on this issue.

## ***Social and economic protection of families***

### ***Childcare facilities***

In its previous conclusion (Conclusions 2015), the Committee asked for information on childcare facilities in respect of the Caribbean special municipalities (Bonaire, St. Eustatius and Saba).

In response, the report indicates that in 2019, the Caribbean Special Municipalities in collaboration with the Central Government Ministries set up the "BES(t) 4 Kids programme", the main objectives of which are to improve the quality of childcare organisations and to make childcare affordable for all parents.

In addition, a childcare services order has been established in order to include the quality requirements that childcare organisations must meet.

In July 2020, the temporary subsidy scheme for financing childcare services in the Caribbean Netherlands came into effect. Under this scheme, the parental contribution was maximised, and childcare organisations received a subsidy to compensate for the maximisation of the parental contribution as well as to improve the quality of childcare.

The report indicates that at the end of 2021, 68 % of children aged 0-4 and 52 % of children aged 4-12 attended childcare facilities (crèches and after-school institutions). There are about 60 children's organisations with 328 teaching staff.

## **Family benefits**

### **Equal access to family benefits**

In a targeted question, the Committee asked whether a length of residence requirement was imposed on nationals of other States Parties lawfully resident in the country for eligibility to family benefits.

In response, the report indicates that the general child benefit and the child budget are universal schemes available to all residents. Consequently, people who work in the Netherlands and pay Dutch income tax are also eligible.

With regard to the Caribbean special municipalities (Bonaire, St. Eustatius and Saba), the report indicates that all parents and carers with residence status in the Caribbean Netherlands are entitled to child benefit, regardless of their income. Migrants, refugees or stateless persons with a residence permit are also entitled to child benefit.

### **Level of family benefits**

In its previous conclusion (Conclusions 2015), the Committee noted that child benefit for families with children up to the age of 5 and children aged 6-11 was low and asked to indicate the number of families receiving both the universal child benefit and the child-related allowance. In the meantime, it reserved its position on this point.

In addition, among the targeted questions that it raised, the Committee asked for information about the amounts paid in family benefit as well as the median equivalised income for the reference period. It also asked whether family or child benefits were subject to a means-test and, if so, what percentage of families were covered.

The Committee points out that family benefit must be such as to provide a significant number of families with sufficient extra income. Adequacy is assessed with respect to the monthly median equivalised net income as calculated by Eurostat.

The Committee notes from Eurostat data (published on 17 March 2023) that the monthly median equivalised income stood at €2,370 in 2021.

In response, the report indicates that the General Child Benefit Act (*Algemene Kinderbijslagwet; AKW*) and Child Budget Act (*Wet op het kindgebonden budget; WKB*) are universal tax-funded schemes covering all residents.

According to the General Child Benefit Act, the amount of the benefit depends on the age of the child and not on household income. The report indicates that the monthly amounts of general child benefit was €83.1 (up to 5 years), €101 (6 to 11 years), and €119 (12 to 17 years). The Committee notes that these amounts per month correspond to 3.5%, 4.2% and 5% of monthly median equivalised income in 2021. It also notes that the general child benefit for families with children up to the age of 5 and children aged 6-11 is low (3.5% and 4.2%).

However, the report adds that general child benefit amounts may be doubled if (1) the child is not living at home for reasons of education or disability (provided that the conditions of the General Child Benefit Act are met), or (2) if the parent or parents care at home for their severely disabled child (aged 3-17) with significant care needs. In addition, a single parent or single earner in this situation receives an extra annual amount of € 2,298.28.

Moreover, the report indicates that under the Child Budget Act, parents who receive child benefit for one or more children under the age of 18 may be eligible for the child budget support if their income and assets do not exceed a certain threshold. Thus, the amount of child budget depends on the income of the parent(s), the number of children and the age of the child. The report indicates that the maximum amounts of child budget per year fluctuate between €1,120 and €3,327. According to the report, additional amounts of allowances exist for families with



four and more children and/or with children aged between 12 and 18. Moreover, single parents receive an additional amount (up to €3,285 per year).

The report also indicates that in 2022, 1,320,076 families received the combination of the universal child benefit and child budget.

In view of the foregoing, the Committee considers that the situation is in conformity with Article 16 of the Charter on this point.

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in respect of the Caribbean special municipalities (Bonaire, St Eustatius and Saba), was not in conformity with Article 16 of the 1961 Charter on the ground that there was no child benefit scheme.

The report indicates that since 2016 citizens of the Caribbean Netherlands have been entitled to child benefit. The Committee notes from the report that the amount of child benefit per child has increased from \$38 in 2016 to \$119 in 2023. Child benefit in the Caribbean Netherlands corresponds to the level of child benefit in the European Netherlands for the highest age category. In addition, the report indicates that parents experiencing temporary financial difficulties are supported by the “Onderstand” (social assistance). Social assistance consists of a basic amount and various supplementary payments depending on the family situation. Parents receiving social assistance who have children living at home also receive a supplement to social assistance for each child to provide additional support, as well as a child benefit. Parents may also receive financial assistance to buy school supplies for their children.

In light of all the information at its disposal, the Committee considers that the situation is now in conformity with Article 16 on this issue.

### ***Measures in favour of vulnerable families***

In its previous conclusion (Conclusions 2015), the Committee asked for information on the outcome of the policies adopted with regard to single-parent families in the Caribbean special municipalities (Bonaire, St. Eustatius and Saba).

In response, the report indicates that the minimum wage and all benefits have risen in recent years and further increases are expected due to the introduction of minimum social benefits. In addition, childcare facilities are improving and becoming financially affordable for all citizens. Parents who are unable to pay the parental contribution can receive financial assistance from the government. State organisations are working towards a more integrated approach to supporting single-parent families. Each public organisation has set up a team of social workers to provide support in different areas such as parenting, finances and independence. National and local authorities are working together to ensure the continuity of social work.

Among the targeted questions that it raised, the Committee asked what measures had been taken to ensure that vulnerable families could meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services).

In response, the report indicates that a broad package of measures was announced to support the most vulnerable households, consisting of four elements: energy allowance, price cap, disconnection policy and emergency fund. The Committee takes note of the detailed information provided in the report on these four measures. In addition, the report mentions other measures taken by the government outside the reference period that involve further action in terms of prevention and savings, early identification of problematic situations, and effective debt counselling.

In a targeted question, the Committee asked whether, in cases where specific temporary measures had been taken to financially support families during the covid-19 pandemic, they would or were expected to be maintained or withdrawn and, if they had been withdrawn, what effect this was expected to have on vulnerable families.

In response, the report indicates that the Temporary Support for Necessary Costs Scheme (*Tijdelijke Ondersteuning Noodzakelijke Kosten*, TONK) was introduced to help households that were unable to pay the costs of housing and other basic necessities due to a fall in income caused by the coronavirus crisis. The scheme was implemented by the municipalities, which were free to take account of local circumstances (admission criteria, amounts payable, determination of the applicant's financial capacity, assessment of applications). The scheme ended on 30 September 2021.

### ***Participation of associations representing families***

In its previous conclusion (Conclusions 2015), the Committee asked, to indicate the progress achieved with regard to associations representing families in the Caribbean special municipalities (Bonaire, St. Eustatius and Saba).

In response, the report indicates that '*Kinderombudsman*' and UNICEF are the two formal parties that are regularly contacted in the development of family policies. Citizens are also involved in solving specific political issues (foster care, youth councils).

#### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 16 of the Charter.

## **Article 17 - Right of children and young persons to social, legal and economic protection**

### *Paragraph 1 - Assistance, education and training*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§1 and asked States to provide, in the next report, information on measures taken to reduce statelessness; to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation; to reduce child poverty; combat discrimination and promote equal opportunities for children from particularly vulnerable groups; and on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In its previous conclusion the Committee concluded that the situation in the Netherlands was not in conformity with Article 17§1 of the Charter on the ground that minors could be given an adult criminal law sentence and thus placed in adult detention facilities (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity, the targeted questions and the general questions.

### ***The legal status of the child***

In the general questions, the Committee asked for information on measures taken by the State to reduce statelessness (e.g., ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and taking measures to identify those children who were not registered at birth). It also asked for information on measures taken by the State to facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular migration situation.

The report states that there is no further information to be provided.

The Committee takes note of the recommendation of the Committee on the Rights of the Child in the Concluding observations on the combined fifth and sixth periodic reports of the Kingdom of the Netherlands (9 March 2022) to implement measures for ensuring that children with an “unknown” nationality, a status that leaves them unable to be registered as stateless persons and obtain international protection, do not remain with such a status for a prolonged period of time.

### ***Child poverty***

In the general questions, the Committee asked for information on measures to reduce child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing, etc.); to combat discrimination and promote equal opportunities for children from particularly vulnerable groups, such as ethnic minorities, Roma children, children with disabilities and children in care. It also asked for information on the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

The report states that the central Government works with local authorities, civil society organisations and schools to reduce poverty in families and ensure that all children can participate in society. The central Government uses the income and labour market policies to tackle the structural causes of poverty. For example, during the previous Government's term of office, an extra 900 million euros was invested to support families with children under 18.

The report further states that various measures are taken to promote equal opportunities in education and during the transition period from education to the labour market. The Committee notes that initiatives related to education are examined under Article 17§2 of the Charter.

The report states that through the "*Zorg voor de jeugd*" (Care for Youth) and "*Onbepertk meedoen*" (Participation without Limits) programmes, the Dutch Government and its partners have aimed to provide resources for children to participate in society and have equal opportunities.

The report also states that the Government engages in dialogue with children that sometimes takes place within the broader framework of children's rights and sometimes specifically on the topic of poverty.

The Committee notes from EUROSTAT that 14.9% of children in the Netherlands in 2021 were at risk of poverty or social exclusion, a slight decrease in comparison with 2018, when the percentage was 15.1%. The Committee notes that the 2021 rate is significantly lower than the EU average of 24.4%.

The prevalence of child poverty in a State Party, whether defined or measured in either monetary or multidimensional terms, is an important indicator of the effectiveness of state efforts to ensure the right of children and young persons to social, legal and economic protection under Article 17 of the Charter. Consistent with its approach in relation to the conceptualisation and measurement of poverty adopted by the Committee in terms of Article 30, the Committee's consideration of child poverty for the purposes of Article 17 reflects an understanding of both income and multi-dimensional understandings of poverty (Statement of interpretation, 2013, Article 30). This understanding is reflected in the indicators and elements the Committee takes into account when assessing State Party compliance with Article 17. For the States that have not accepted Article 17, child poverty will be addressed under Article 30.

The EUROSTAT data and the EU-27 rate of children at risk of poverty or social exclusion is used as key point of reference and indicator of state compliance with Charter rights by the Committee. The Committee will also have regard to disimprovement in terms of the rate of children at risk of poverty or social exclusion in a State Party. Furthermore, the Committee also takes into account non-monetary measures adopted at reducing child poverty and social exclusion such as ensuring access to quality and affordable services in the areas of health, education and housing. When assessing State conformity with Article 17, the Committee will also take into account the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

### ***Right to assistance***

In the targeted question, the Committee asked for information on any measures adopted to protect and assist children in crisis situations and emergencies.

In reply, the report states that agreements have been made with the police, *Veilig Thuis* (Safe at Home) and social services on how to protect and support children in crisis situations and emergencies. Support is offered to the family as well.

### ***Children in conflict with the law***

Previously, the Committee concluded that the situation in the Netherlands was not in conformity with Article 17§1 of the Charter on the ground that minors could be given an adult criminal law sentence and thus placed in adult detention facilities (Conclusions 2015).

The report states that since the introduction of adolescent criminal law, the application of juvenile criminal law to young adults has risen from less than 1% of criminal cases in 2012 to around 6% in 2019. The application of adult criminal law to 16 and 17 year olds is very rare.

The Committee notes that the situation it previously considered to be not in conformity with the Charter has not changed. In these circumstances, it reiterates its conclusion of non-conformity on the ground that minors can be given an adult criminal law sentence and thus placed in adult detention facilities.

#### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 17§1 of the Charter on the ground that minors can be given an adult criminal law sentence and thus placed in adult detention facilities.

## **Article 17 - Right of children and young persons to social, legal and economic protection**

### *Paragraph 2 - Free primary and secondary education - regular attendance at school*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that for the purposes of the present report, States were asked to reply to targeted questions for Article 17§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

The Committee also recalls that in the General Introduction to Conclusions 2019, it posed general questions under Article 17§2 and asked States to provide, in the next report, information on measures taken to introduce anti-bullying policies in schools; and on measures taken to facilitate child participation across a broad range of decision-making and activities related to education.

In its previous conclusion, pending receipt of the information requested, the Committee concluded that the situation in the Netherlands was in conformity with Article 17§2 of the Charter (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of conformity pending receipt of information, the targeted questions and the general questions.

### ***Costs associated with education***

In the targeted questions, the Committee asked for information on measures taken to ensure that state allocation of resources to private education did not negatively impact on the right of all children to access free, quality public education.

The report states that access to Government funded education, both public and private, is free for all Dutch students. Public and private education are equally funded.

### ***Vulnerable groups***

The Committee notes that where the States have accepted Article 15§1 of the Charter, the right to education of children with disabilities is dealt with under that provision.

Previously, the Committee asked whether unlawfully present groups had a right to education (Conclusions 2015).

The report states that children aged 5 to 17 must attend school under the Compulsory Education Act. This includes unaccompanied asylum seekers and minors denied asylum.

### ***The voice of children in education***

In the general questions, the Committee asked what measures have been taken by the State to facilitate child participation across a broad range of decision-making and activities related to education (including in the context of children’s specific learning environments).

The report states that The National Pupils’ Action Committee is a Government-funded and pupils-run association representing the rights and interests of all pupils in secondary education. Every year, this Committee sends a satisfaction survey to all pupils in the country, the results of which are used as guidance to improve the quality of secondary education. In many cases, the school board and the headteacher have to present or submit their plans to the school’s participation council. For example, only pupils and parent members of the council have the right to approve plans concerning school facilities.

### ***Anti-bullying measures***

In the general questions, the Committee asked what measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention.

The report states that the Law on Security in Schools requires primary and secondary schools to establish and implement school security policies. These policies must include actions to identify, prevent and respond to bullying behaviours. Schools are required to have a designated contact person to whom pupils and parents can report bullying. The Education Inspectorate supervises schools and intervenes when necessary. The Ministry of Culture, Education and Sciences collaborates with and subsidises organisations that support schools in executing effective anti-bullying programmes and supports pupils and parents in responding to (online) bullying.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked the States Parties to provide information on measures taken to address the effects of the Covid-19 pandemic on the education of children (including in particular disabled children, Roma and Traveller children, children with health issues and other vulnerable children).

The Committee recalls that under Article 17§2 of the Charter equal access to education must be ensured for all children during the Covid-19 crisis. In this respect, particular attention should be paid to vulnerable groups such as children from minorities, children seeking asylum, refugee children, children with disabilities, children in hospital, children in care, pregnant teenagers, children deprived of their liberty (Statement on Covid-19 and social rights, 24 March 2021).

The report states that the Ministry of Education introduced a National Education Programme to combat Covid-19 related educational underachievement. In accordance with it, schools have been provided with additional budgets for this purpose.

### ***Conclusion***

The Committee concludes that the situation in the Netherlands is in conformity with Article 17§2 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 1 - Assistance and information on migration*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 19§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), Committee considered that the situation in the Netherlands was in conformity with Article 19§1 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

***Change in policy and the legal framework***

In its previous conclusion, the Committee noted that new national legislation in respect of preventing and combatting the exploitation of migrant workers was being prepared. The Committee asked for information on any changes to the legal framework concerning migrant workers (Conclusions 2015).

The report also provides information on the “Good Landlordship Act” containing general rules which landlords and rental agents must adhere to. In relation to migrant workers, the general rules concern the prevention and combating of discrimination and intimidation, the obligation to put the tenancy agreement in writing and separately from the employment contract, and the obligation to inform the migrant worker about their rights and obligations with regard to the rented property in a language that the migrant worker can understand. Municipalities may also establish a rental permit for renting housing to labour migrants. In doing so, municipalities may attach conditions to the permit with respect to the maximum number of persons per room, provisions for hygiene and with respect to facilities for storing and preparing food.

***Free services and information for migrant workers***

In its previous conclusion, the Committee asked for a full and up-to-date description of the measures taken to provide information and assistance services to immigrants and emigrants (Conclusions 2015).

The report provides information on the various initiatives to ensure information and assistance to migrant workers, such as the website [www.workinnl.nl](http://www.workinnl.nl) which explains the rights and obligations and provides information in several languages for assisting migrants to live and work in the Netherlands including on training and integration, contract and wages, health and safety at work, dismissal, healthcare, self-employment etc. The website also contains the telephone link of the NGO FairWork which offers advice to immigrants and emigrants in their mother tongue.

***Measures against misleading propaganda relating to emigration and immigration***

In its previous conclusion, the Committee noted that customs officers and officials of the Immigration and Naturalisation Service received training respectively on prejudice and discrimination, and intercultural communication. The Committee wished to know whether regular police officers receive specific training to combat discrimination in their work (Conclusions 2015).



The report does not provide the requested information. The Committee notes from the ECRI Fifth Report on the Netherlands adopted on 2 April 2019 that the police have compiled standard sets of questions for investigating hate speech, the prosecution has carried through several strategic hate crime cases, and both co-operate with the local anti-discrimination bureaus (ADVs). The same report indicates that the police have worked on avoiding racial profiling and enacted an operational framework for proactive controls.

The Committee also asked for information on any measures taken to combat trafficking in human beings (Conclusions 2015). The report does not provide any information on this matter. The Committee takes note of the actions taken by the authorities in this field from the Government's Report published on 3 May 2022 in the context of GRETA's third evaluation round.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 19§1 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 2 - Departure, journey and reception*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 19§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), Committee considered that the situation in the Netherlands was in conformity with Article 19§2 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

***Immediate assistance offered to migrant workers***

In its previous conclusion, the Committee recalled that reception must include not only assistance with regard to placement and integration in the workplace, but also assistance in overcoming problems, such as short-term accommodation, illness, shortage of money and adequate health measures (Conclusions IV (1975), Germany). Reception means the period of weeks which follows immediately from their arrival, during which migrant workers and their families most often find themselves in situations of particular difficulty (Conclusions IV (1975), Statement of Interpretation on Article 19§2). The Committee asked what assistance, financial or otherwise, is available to migrants in emergency situations, in particular in response to their needs of food, clothing and shelter (Conclusions 2015).

The Committee refers to its conclusion on 19§1 of the Charter where it took note of the measures taken by the authorities to ensure information and assistance to migrant workers, such as through the website [www.workinnl.nl](http://www.workinnl.nl). It also takes note from the ECRI Conclusions on the implementation of the recommendations in respect of the Netherlands adopted on 7 December 2021 that a new Civic Integration Act was adopted and entered into force on 1 January 2022. Under this Act, municipalities will be formally responsible for providing guidance to, and supervision of, asylum seekers' and other non-EU migrants' integration efforts, based on an individual integration plan drawn up between the municipality and each asylum seeker or other non-EU immigrant. The integration plan will, apart from learning of the Dutch language and about Dutch society, culture and history, also include an employment element, including in the form of a work placement or volunteer work.

The Committee previously requested for updated information concerning the access of migrant workers and their families to healthcare facilities upon arrival in the Netherlands (Conclusions 2015).

The Committee notes that according to information provided on the website [www.workinnl.nl](http://www.workinnl.nl), health insurance is arranged in the same way for everyone who lives or works in the Netherlands. When working in the Netherlands for a Dutch employer, migrant workers need to have a health insurance with a Dutch health insurance provider. Posted workers (working in the Netherlands temporarily for an employer abroad) are allowed to be insured in their home country.

***Conclusion***

The Committee concludes that the situation in the Netherlands is in conformity with Article 19§2 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**

*Paragraph 3 - Co-operation between social services of emigration and immigration states*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 19§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee deferred its conclusion, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of deferral.

In its previous conclusion, the Committee requested a full description of the social services in the Netherlands which provide assistance to migrants, and in what manner they collaborate, or in what ways collaboration may occur, with the services of other States (Conclusions 2015).

The report provides a detailed list of public and private organisations that can be of assistance to migrant workers and their families on a wide range of matters such as social security, healthcare, employment, working conditions and dismissal, or housing.

*Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 19§3 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 4 - Equality regarding employment, right to organise and accommodation*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 19§4 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee concluded that the situation in the Netherlands was not in conformity with Article 19§4 of the Charter on the ground that the right to appeal before an independent judicial body relating to the distribution of accommodation to migrant workers and their families is not effective in practice.

The assessment of the Committee will therefore concern the information provided in the report in response to the conclusion of non-conformity and to the questions raised in its previous conclusion.

***Membership of trade unions and enjoyment of the benefits of collective bargaining***

In its previous conclusion, the Committee referred to its Statement of Interpretation in the General Introduction and asked for information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining (Conclusions 2015).

The report does not provide any information on this point.

Due to the failure to provide the information requested on posted workers, the Committee concludes that the situation in the Netherlands is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

***Accommodation***

In its previous conclusion, the Committee concluded that the situation in the Netherlands is not in conformity with Article 19§4 of the Charter on the ground that the right to appeal before an independent judicial body relating to the distribution of accommodation to migrant workers and their families is not effective in practice (Conclusions 2015).

The report indicates that there are various mechanisms in place that ensure proper accommodation for migrant workers in the Netherlands. In relation to the housing of migrant workers two private certification schemes exist, SNF and AKF (Dutch abbreviations). Companies who provide housing to migrant workers can apply for the SNF or AKF certificate which guarantees a minimum standard in accommodation.

The report confirms that there does exist an independent judicial body where problems around renting of houses can be brought before. The “Rent Tribunal” is an impartial body that helps tenants and landlords by providing information, conducting research, mediating in their conflicts or, if necessary, settling the conflict formally by making a ruling that is binding on both parties.

***Conclusion***

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Netherlands is not in conformity with Article 19§4 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the

Netherlands of their reporting obligations under Article C of the Charter. List of information missing:

- information concerning the legal status of workers posted from abroad, and what legal and practical measures are taken to ensure equal treatment in matters of employment, trade union membership and collective bargaining.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 5 - Equality regarding taxes and contributions*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 19§5 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children, families and migrants” thematic group).

In its previous conclusion (Conclusions 2015), the Committee considered that the situation in the Netherlands was in conformity with Article 19§5 of the Charter, pending receipt of the information requested.

The assessment of the Committee will therefore concern the information provided in the report in response to the questions raised in its previous conclusion.

In its previous conclusion, the Committee asked what contributions are payable in relation to employment, and whether migrants are treated equally with nationals (Conclusions 2015).

The report provides no information on this point. The Committee notes from another source that resident taxpayers in the Netherlands will pay taxes on their entire income worldwide. The tax office considers any business, employment, or investment earnings or income in the form of periodic benefits as taxable. As for the non-resident taxpayers in the Netherlands, they will pay tax on any income that may be levied in the country. This includes employment income, running a business, periodic benefits, income from real estate in the Netherlands, or part of a shareholding in a Dutch company ([www.expatica.com](http://www.expatica.com)).

The Committee notes from the Government’s website ([www.government.nl](http://www.government.nl)) that a 30% facility is available to employees who are recruited from abroad to work temporarily in the Netherlands (the so-called “30% Ruling”). If they satisfy the conditions for the 30% facility, they are exempt from paying tax on up to 30% of their salary. This government measure helps them cover the additional costs they incur from working in the Netherlands, such as travel expenses, additional housing costs and day-to-day expenses. Since 1 January 2019 qualifying workers may use this 30% facility for only 5 years.

*Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 19§5 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 6 - Family reunion*

The Committee takes note of the information contained in the report submitted by Netherlands.

The Committee points out that no targeted questions were asked in relation to Article 19§6 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current report cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee concluded that the situation in the Netherlands was not in conformity with Article 19§6 on the grounds that:

- the minimum age of 21 for spouses to be eligible for reunification is an undue restriction on family reunion;
- family members of a migrant worker who have settled in the Netherlands as a result of family reunion may be expelled automatically when the migrant worker loses his or her right of residence.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity and to other questions raised by the Committee in the previous conclusion.

**Scope**

In response to the first ground of non-conformity (see § 3 above), the report states that the minimum age of 21 for spouses to be eligible for reunification could pertain to the family members in two categories of migrant workers, the first category being third country nationals and the second, being citizens of the European Union. For third country nationals, Article 4(5) of the EU Directive 2003/86 states that Member States may require the sponsor and their spouse to be of a minimum age, at maximum 21 years, before the spouse is able to join them, in order to ensure “better integration and to prevent forced marriages.” The report states that the minimum age of 21 for spouses to be eligible for reunification is therefore not an undue restriction on family reunion. It also states that the restriction is maintained in the Netherlands in part due to the conviction that a minimum age of 18 is insufficient to ensure that the sponsor will act responsibly concerning matters of finance and integration. The report also underlines that for citizens of the European Union, Directive 2004/38 is applicable, and the minimum age requirement does not apply to this category.

Therefore, the Committee considers that the situation has not changed during the reference period and the age requirement of twenty-one years for spouses remains valid. The Committee reiterates that the situation is not in conformity with the Charter in this regard.

As to the second ground of non-conformity (see §3 above), in its previous conclusion (Conclusions 2015), the Committee recalled that once a migrant worker’s family members have exercised the right to family reunion and have joined them in the territory of a state, they have an independent right under the Charter to stay in that Territory (Conclusions XVI-1(2002), Netherlands, Article 19§8). In its previous conclusion (Conclusions 2015), the Committee noted from the report of the Governmental Committee (Report concerning Conclusions 2011) that family members who come to the Netherlands derive their right to stay from the worker, and their right to stay may be terminated if the sponsor loses their work. The Committee also noted that a family member may apply for an independent residence permit after a period of three years, an initiative introduced to avoid any misuse of the system through arranged marriages. Therefore, the Committee found the Netherlands not to be in conformity with the Charter in this regard.

The report confirms that the expulsion of a family member when the migrant worker loses their right of residence could pertain to the family members of two categories of migrant workers, the first being third country nationals and the second being citizens of the European Union.

According to the report, in the case of third country nationals, Directive 2003/86 is applicable, with Articles 17 and 18 being particularly relevant. These articles state the factors that must be taken into account when deciding on expulsions. According to Article 17 of this Directive “member States shall take due account of the nature and solidity of the person’s family relationships and the duration of his/her residence in the Member State and of the existence of family, cultural and social ties with his/her country of origin where they reject an application, withdraw or refuse to renew a residence permit or decide to order the removal of the sponsor or members of his family.” According to the report, given the fact that these factors are to be taken into account before deciding on expulsion, family members are not expelled automatically under domestic provisions.

In the case of the citizens of the European Union, Directive 2004/38 is applicable. Under this Directive, family members can have a derived right of residence. If the family member lost this derived right of residence, the Supreme Administrative Court of the Netherlands “has ruled that before expulsion is possible, the individual circumstances of the case need to be examined.” According to the report, in such examinations, “the interest of the state will need to be weighed against the interest of the family member which may result in granting the family member an independent right of residence.” The report reiterates that because these interests must be balanced, family members cannot be considered as being expelled automatically.

The Committee notes that the individual circumstances of each family member are taken into consideration before any expulsion decision is taken in their respect. However, the Committee also understands from the report that the domestic rule that family members of a migrant worker could apply for an independent residence permit only after a period of three years of residence is still in force and was not amended during the reference period. Therefore, within the first three years, family members who joined the sponsor, do not have an independent right to stay in the Netherlands.

Under these circumstances, the Committee reiterates that the situation is not in conformity with the Charter in this regard.

### ***Conditions governing family reunion***

In its previous conclusion (Conclusion 2015), the Committee recalled that the level of means required by States to bring in the family should not be so restrictive as to prevent any family reunion (Conclusions XVII-I (2004), Netherlands) and that social benefits shall not be excluded from the calculation of the income of a migrant worker who has applied for family reunion (Conclusions 2011, Statement of interpretation on Article 19§6). In the previous conclusion (Conclusions 2015), the Committee took note from the previous report that the migrant worker, under the domestic law, “may not rely on public funds” and their income must be “independent”. The Committee therefore asked for clarification concerning the national situation regarding the calculation of income of a migrant worker. The Committee also asked for concrete case examples, such as appeal cases, which show that the domestic courts proceed to a case-by-case examination of family reunification requests. The Committee also asked whether there were any grounds other than unfitness for work that can exempt the migrant from the exclusion of social benefits. The report does not provide any answer to the Committee’s questions.

In its previous conclusion (Conclusion 2015), the Committee asked whether an accommodation requirement applies in the Netherlands, and if so, for details regarding the criteria and its application. The report does not provide answers to the Committee’s question.

With regard to language requirements, in its previous conclusion (Conclusion 2015), the Committee asked whether financial assistance is available for applicants without sufficient



means to take the compulsory civic integration examination required to obtain a permanent residence permit. The Committee also requested further information on the content of the civic integration examination. The report does not provide answers to the Committee's question.

In its previous conclusion (Conclusion 2015), the Committee asked whether family members of migrants or nationals with a permanent residence permit must sit the examination prior to coming to the Netherlands, or whether they can apply for a temporary residence permit before requesting a permanent right of residence. The Committee also asked whether family members who have failed the exam and are therefore ineligible for a permanent residence permit may remain in the Netherlands with a temporary residence permit. The report does not provide answers to the Committee's question.

In its previous conclusion (Conclusion 2015), the Committee requested that the next report provide information on the process of administrative or judicial appeals in the Netherlands. The report does not provide the requested information. Therefore, due to the failure to provide the requested information on clarification concerning the national situation regarding the calculation of income of a migrant worker; concrete examples, such as appeals cases, to demonstrate the application in practice of the "case-by-case" consideration" of family reunification requests; whether there are any grounds other than unfitness for work that can exempt the migrant from the exclusion of social welfare benefits; whether an accommodation requirement applies in the Netherlands and if so, for details regarding the criteria and its application; whether financial assistance is available for applicants without sufficient means to take the civic integration examination; the content of the civic integration examination; whether family members of migrants or nationals with a permanent residence permit must sit the civic integration examination prior to coming to the Netherlands; whether family members who have failed the exam and are therefore ineligible for a permanent residence permit may remain in the Netherlands with a temporary residence permit; the process of administrative or judicial appeals in the Netherlands, the Committee concludes that the situation is not in conformity with Article 19§6 of the Charter. The Committee considers that that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§6 of the Charter on the grounds that:

- the minimum age of 21 for spouses to be eligible for reunification is an undue restriction on family reunion;
- family members of a migrant worker who have settled in the Netherlands as a result of family reunion do not have an independent right to stay.

Due to the failure to provide the information listed below, the Committee concludes that the situation is not in conformity with Article 19§6 of the Charter. The Committee considers that that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter. Information missing:

- clarification concerning the national situation regarding the calculation of income of a migrant worker;
- concrete examples, such as appeals cases, to demonstrate the application in practice of the "case-by-case" consideration" of family reunification requests;- whether there are any grounds other than unfitness for work that can exempt the migrant from the exclusion of social welfare benefits
- whether an accommodation requirement applies in the Netherlands and if so, for details regarding the criteria and its application;
- whether financial assistance is available for applicants without sufficient means to take the civic integration examination;
- information regarding the content of the civic integration examination;

- whether family members of migrants or nationals with a permanent residence permit must sit the civic integration examination prior to coming to the Netherlands;
- whether family members who have failed the exam and are therefore ineligible for a permanent residence permit may remain in the Netherlands with a temporary residence permit;
- Information regarding the process of administrative or judicial appeals in the Netherlands.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 7 - Equality regarding legal proceedings*

The Committee takes note of the information contained in the report submitted by the Netherlands

The Committee points out that no targeted questions were asked in relation to Article 19§7 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2019), the Committee found the situation in the Netherlands to be in conformity with Article 19§7 of the Charter. The Committee moreover notes from the previous report that the basic principle of the Legal Aid Act is that legal aid is to be granted to any natural person whose financial capacity, in respect of legal interests governed by the law of the Netherlands, does not exceed the limit stipulated in the Act. The litigant’s nationality is therefore not relevant for the purposes of invoking this legislation and that the refugees and asylum seekers may receive legal aid assistance under the same conditions.

Since no targeted questions were asked under Article 19§7, and the previous conclusion found the situation in the Netherlands to be in conformity with the Charter, there was no examination of the situation in 2023.

*Conclusion*

The Committee concludes that the situation in Netherlands is in conformity with Article 19§7 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 8 - Guarantees concerning deportation*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee points out that no targeted questions were asked in relation to Article 19§8 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in the Netherlands to be in conformity with Article 19§8 of the Charter.

The Committee takes note from the previous report that convicted foreigners for a serious breach of public order can be deported on the basis of a court ruling. The factors that should be taken into account include the length of time the person had resided in the Netherlands, the severity of the penalty imposed and other criteria such as family ties with the Netherlands.

*Conclusion*

The Committee concludes that the situation in Netherlands is in conformity with Article 19§8 of the Charter.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 9 - Transfer of earnings and savings*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee points out that no targeted questions were asked in relation to Article 19§9 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee concluded that, pending receipt of the information requested, the situation in the Netherlands was in conformity with the Charter. In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to its previous question.

In the previous conclusion (Conclusions 2015), the Committee asked that the next report provide a full and up-to-date description of the situation in the Netherlands. Moreover, with reference to its Statement of Interpretation on Article 19§9 (Conclusions 2011), the Committee asked whether there are any restrictions on the transfer of the movable property of migrant workers.

The report does not provide any answer in this respect. Due to the failure to provide information on whether there are any restrictions on the transfer of the movable property of migrant workers, the Committee concludes that the situation in the Netherlands is not in conformity with Article 19§9 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter

*Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§9 of the Charter due to the failure to provide the information listed below. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter. List of questions/Information missing:

- whether there are any restrictions on the transfer of the movable property of migrant workers.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 10 - Equal treatment for the self-employed*

The Committee takes note of the information contained in the report submitted by the Netherlands.

On the basis of the information in the report the Committee notes that there continues to be no discrimination in law between migrant employees and self-employed migrants in respect of the rights guaranteed by Article 19.

However, in the case of Article 19§10, a finding of non-conformity in any of the other paragraphs of Article 19 ordinarily leads to a finding of non-conformity under that paragraph, because the same grounds for non-conformity also apply to self-employed workers. This is so where there is no discrimination or disequilibrium in treatment.

The Committee has found the situation in the Netherlands not to be in conformity with Articles 19§6, 19§9 and 19§11 of the Charter. Accordingly, for the same reasons as stated in the conclusions on the abovementioned Articles, the Committee concludes that the situation in the Netherlands is not in conformity with Article 19§10 of the Charter.

*Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§10 of the Charter as the grounds of non-conformity under Articles 19§6, 19§9 and 19§11 apply also to self-employed migrants.

**Article 19 - Right of migrant workers and their families to protection and assistance**  
*Paragraph 11 - Teaching language of host state*

The Committee takes note of the information contained in the report submitted by Netherlands.

The Committee points out that no targeted questions were asked in relation to Article 19§11 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

In the previous conclusion (Conclusions 2015), the Committee found the situation in the Netherlands not to be in conformity with Article 19§11 of the Charter on the ground that the charges for language courses are likely to hinder the integration of migrant workers and their families.

In the present conclusion, the assessment of the Committee will therefore concern the information provided by the Government in response to the previous conclusion of non-conformity.

In the previous conclusion (Conclusions 2015), the Committee noted that financial assistance for courses in Dutch (which are run by private institutions) was limited to loans, which, according to the Committee, did not sufficiently alleviate the financial burden of paying for integration charges. It considered that the charges for language courses were likely to hinder the integration of migrant workers and their families and that therefore the situation was not in conformity with Article 19§11 of the Charter. In addition, the Committee also requested, in the previous conclusion, a full and up to date description of the provisions of teaching in relation to employment.

In reply, the report indicates that citizens coming from countries within the EU, can take a language course at a Regional Training Centre (ROC) that offer Dutch courses. Libraries and language centres also often provide opportunities to practise speaking Dutch. According to the report, one can also decide to attend a private language school. If people prefer to learn Dutch at home, they can visit [Oefenen.nl](http://Oefenen.nl) (available in several languages) or [NT2taalmenu.nl](http://NT2taalmenu.nl) to find out how they can learn Dutch. These online lessons are free.

The report also indicates that the municipalities are able to help in this respect, by putting people in touch with a voluntary language coach. These coaches are referred to as ‘taalmaatjes’ or language buddies.

With regard to the question raised by the Committee concerning teaching in relation to employment, the report indicates that within the “Count on Skills” (‘Tel mee met Taal’) programme, several ministries are implementing activities aimed at preventing and reducing low literacy and ensuring that everyone has sufficient basic skills to participate in society. Through the Count on Skills programme, an annual subsidy is available for activities aimed at preventing and reducing low literacy among employees. In 2023, a subsidy of 3.35 million euros will be made available. Employers can apply for a subsidy for training that leads to better language skills, numeracy skills, and/or better digital skills of the employees. Moreover, through the Education and Vocational Education Act, municipalities receive an annual budget for adult education and to address the low literacy. Municipalities can use this to offer language training, math courses, and digital skills courses to adults. According to the report, from 2023 onwards, the government will allocate an extra 15 million euros to municipalities to improve basic skills in employment. The total education and vocational education budget for municipalities thus amounts to approximately 80 million euros per year. Municipalities determine how they use these resources themselves and therefore also determine whether or not they use these resources for labour migrants.

The Committee understands that apart from the provision of online free language lessons and assistance of a voluntary coach, financial assistance for courses in Dutch is still limited to loans, and the municipalities do not have any budgetary obligation to finance the teaching of the Dutch language for migrant workers and their families. Under these circumstances, the Committee reiterates that the financial assistance scheme for learning the language of the host country does not sufficiently alleviate the financial burden of paying for integration charges for migrant workers and their families. It therefore concludes that the situation in the Netherlands is not in conformity with Article 19§11 of the Charter.

#### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 19§11 of the Charter on the ground that the charges for language courses are likely to hinder the integration of migrant workers and their families.



## **Article 27 - Right of workers with family responsibilities to equal opportunity and treatment**

### *Paragraph 1 - Participation in working life*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 27§1 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in the Netherlands to be in conformity with Article 27§1 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to equal opportunities and treatment, in particular on the possibilities to work remotely and its consequences.

In its reply, the report states that no up-to-date information is available on the specific topic.

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 27§1 of the Charter.

## **Article 27 - Right of workers with family responsibilities to equal opportunity and treatment**

### *Paragraph 2 - Parental leave*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 27§2 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in the Netherlands to be in conformity with Article 27§2 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### **Covid-19**

In the context of the Covid-19 crisis, the Committee asked all States to provide information on whether the Covid-19 crisis had an impact on the rights of workers with family responsibilities to parental leave.

In its reply, the report states that the Covid-19 crisis did not lead to any changes to the right to parental leave. The government does not have data on the extent of parental leave taken during the period when the schools and daycare centres were closed.

The Committee notes from the report that new legislation on paid parental leave entered into force in 2022 (outside the reference period).

### *Conclusion*

The Committee concludes that the situation in the Netherlands is in conformity with Article 27§2 of the Charter.

## **Article 27 - Right of workers with family responsibilities to equal opportunity and treatment**

### *Paragraph 3 - Illegality of dismissal on the ground of family responsibilities*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that no targeted questions were asked for Article 27§3 of the Charter. For this reason, only States in relation to which the previous conclusion had been a conclusion of non-conformity, deferral or conformity pending receipt of information were required to provide information for this provision in the current reporting cycle (see the appendix to the letter in which the Committee requested a report on the implementation of the Charter in respect of the provisions relating to the “Children families and migrants” thematic group).

As the previous conclusion (Conclusions 2015) found the situation in the Netherlands to be in conformity with the Article 27§3 the Charter, there was no examination of the situation in 2023 on this point. Therefore, the Committee reiterates its previous conclusion.

### ***Covid-19***

In the context of the Covid-19 crisis, the Committee asked all States to provide information on

- whether the Covid-19 crisis had an impact on the prohibition of dismissal on the ground of family responsibilities and whether there were any exceptions to the prohibition of dismissal on the ground of family responsibilities during the pandemic and
- whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.

In its reply to both questions, the report states that no up-to-date information is available on the specific topic.

### *Conclusion*

The Committee concludes that the situation in Netherlands is in conformity with Article 27§3 of the Charter.

**Article 31 - Right to housing**  
*Paragraph 1 - Adequate housing*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§1 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 31§1 of the Charter on the ground that there was an insufficient number of halting sites for non-sedentary populations and the living conditions on such sites was poor (Conclusions 2015). The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusion of non-conformity and the targeted questions.

***Criteria for adequate housing***

In a targeted question, the Committee asked for updated information on the adequacy of housing (e.g., number of substandard dwellings, overcrowding, water, heating, sanitary facilities, electricity), on the percentage of the population living in inadequate housing, including overcrowded housing, and on the practical measures taken to improve the situation.

Relying on OECD data, the report notes that the rate of housing overcrowding in 2022 stood at 4.3%, which was relatively low in relation to other countries in Europe. While no specific measures to address the problem of overcrowding were taken at the national level, municipalities and housing associations provided large vulnerable households with assistance towards identifying larger dwellings. The report notes that the housing stock generally meets the standards for water, heating, sanitary facilities, and electricity, and describes some of the measures taken to improve energy efficiency.

***Responsibility for adequate housing***

The Committee previously found the situation to be in conformity in this respect (Conclusions 2015).

***Legal protection***

The Committee previously found the situation to be in conformity in this respect (Conclusions 2015).

***Measures in favour of vulnerable groups***

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 31§1 of the Charter on the ground that there was an insufficient number of halting sites for non-sedentary populations and the living conditions on such sites was poor (Conclusions 2015).

In a targeted question, the Committee asked for information on the measures taken to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers, in particular during the Covid-19 crisis.

The report refers to the Action Plan titled “A Home for Everyone” adopted in May 2022, outside the reference period, which has measures aimed at improving the housing situation of vulnerable groups. These include preferential treatment in the process of allocating social housing and, in the case of Roma and Travellers, subsidies for purchasing mobile homes. The

report does not otherwise provide any relevant information on the measures taken during the reference period to address the situation of non-conformity identified by the Committee. The Committee further refers to a survey carried out by the European Union Agency for Fundamental Rights (FRA) in 2019, which found that more than 90% of Travellers in the Netherlands considered that there were not enough places – especially appropriate halting sites – in the country for them (FRA, Roma and Travellers in six countries - Roma and Travellers Survey, 2020). In light of the above, the Committee reiterates its previous conclusion of non-conformity.

#### *Conclusion*

The Committee concludes that the situation in the Netherlands is not in conformity with Article 31§1 of the Charter on the ground that there is an insufficient number of halting sites for non-sedentary populations and the living conditions on such sites is poor.

## **Article 31 - Right to housing**

### *Paragraph 2 - Reduction of homelessness*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§2 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 31§2 of the Charter on the grounds that:

- the minimum notice period before eviction of two weeks was too short;
- the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015).

The assessment of the Committee will therefore concern the information provided by the Government in response to the conclusions of non-conformity and the targeted questions.

### ***Preventing homelessness***

In a targeted question, the Committee asked for information on the measures taken to prevent categories of vulnerable people from becoming homeless and to reduce the number of persons in a situation of homelessness, in particular during the Covid-19 crisis. The Committee also asked for information on the overall number/rate of homeless persons. The report notes that there has been a downwards trend in the homelessness rates during the reference period – from over 39,000 in 2018, to 36,000 in 2020, and 32,000 in 2021. The report describes several measures to prevent homelessness, detailed further below.

### ***Forced eviction***

In a targeted question, the Committee asked if the State Party declared a moratorium/prohibition on evictions during the pandemic, about its legal basis, its scope, or, alternatively, if any other measures were taken to limit the risk of evictions, including by supporting households who are unable to pay their bills. The Committee also asked for information on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps where Roma or Travellers are installed).

The report notes that, while no statutory moratorium was in place, evictions in the rental housing sector were temporarily halted during the pandemic based on a voluntary agreement involving the main stakeholders in the housing sector. However, this agreement excluded evictions caused by severe nuisance or illegal activities. According to data from the Bailiffs’ Association, the number of eviction notices decreased from 13,100 in 2019, to 9,300 in 2020 and 7,700 in 2021. The number of evictions decreased from 5,000 in 2019, to 3,100 in total in 2020 and 2021.

The Minister of Internal Affairs, the Association of Municipalities, the Umbrella Organisation of Housing Associations, and other housing providers, agreed on a set of measures to prevent over-indebtedness during the pandemic, including by advising social housing providers to freeze or reduce rent on a temporary basis, or offer relocations where appropriate. These arrangements, extended twice, applied until after the pandemic was over. The amended Municipal Debt Assistance Act, which entered into force on 1 January 2021, requires housing providers to actively identify indebted households. Housing providers are obliged to inform municipalities about rent arrears, with municipalities in turn obliged to offer help to indebted households. The amended act seeks to prevent evictions on the ground of rent arrears.

The report also provides information about the measures taken to protect mortgage payers during the pandemic. These included voluntary agreements between the Ministry of Internal Affairs and mortgage providers, which temporarily postponed foreclosure sales and specified that mortgage providers would address any payment problems in consultation with the customers concerned. Additionally, the Ministry of Finance amended the tax legislation to facilitate mortgage payment holidays and by allowing homeowners who were temporarily unable to make their mortgage payments to maintain their entitlement to mortgage interest tax relief. The postponement of foreclosure sales was not extended past 1 July 2020 as the housing market returned to normal.

The report notes that cutting off households from drinking water and energy is only possible in exceptional situations. The applicable regulations require utility suppliers to work towards preventing cut-offs, including by providing indebted households with advice and support.

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 31§2 of the Charter on the ground that the minimum notice period of two weeks before eviction is too short (Conclusions 2015). As the report does not provide any new information in this regard, the Committee reiterates its previous finding of non-conformity.

### ***Right to shelter***

In a targeted question, the Committee asked for information on the availability and adequacy of emergency accommodation offered during the Covid-19 crisis. The Committee also asked for information on the right to shelter of unaccompanied foreign minors, including those irregularly present, in law and practice.

The report notes that the Ministry of Health, Welfare and Sport issued guidelines during the Covid-19 crisis on the provision of accommodation to all who needed it, including those who were not normally entitled to it. Although precise figures are lacking, it is estimated that several hundred people were provided with emergency accommodation during lockdown periods over and above regular numbers. The guidelines also called on local authorities to engage in contingency planning on post-pandemic provision for those staying in emergency accommodation.

In its previous conclusion, the Committee concluded that the situation in the Netherlands was not in conformity with Article 31§2 of the Charter on the ground that the law did not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation (Conclusions 2015). As the report does not provide any new information in this regard, the Committee reiterates its previous conclusion of non-conformity.

The Committee also recalls that in *European Federation of National Organisations Working with the Homeless (FEANTSA) v. the Netherlands*, Complaint No. 86/2012, decision on the merits of 2 July 2014, it found that there had been a violation of Article 31§2 of the Charter on the grounds that the legislation and practice of the Netherlands failed to ensure access to community shelter and that the quality and quantity of shelters available to vulnerable groups did not fulfil the requirements of the Charter. In the fourth follow-up on that collective complaint, the Committee considered that the situation had not been fully brought into conformity with Article 31§2 of the Charter (Findings 2022). The Committee, therefore, concludes that there continues to be a non-conformity with Article 31§2 of the Charter on this point.

### ***Conclusion***

The Committee concludes that the situation in the Netherlands is not in conformity with Article 31§2 of the Charter on the grounds that:

- the minimum notice period of two weeks before eviction is too short;

- the law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation;
- access to community shelter is not guaranteed in law and in practice, and the quality and quantity of shelters available to vulnerable groups are insufficient.



## **Article 31 - Right to housing**

### *Paragraph 3 - Affordable housing*

The Committee takes note of the information contained in the report submitted by the Netherlands.

The Committee recalls that in the context of the present monitoring cycle, States were asked to reply to targeted questions for Article 31§3 of the Charter, as well as, where applicable, previous conclusions of non-conformity, deferrals, or conformity pending receipt of information (see the appendix to the letter, whereby the Committee requested a report on the implementation of the Charter in respect of the provisions falling within the thematic group “Children, families and migrants”).

In its previous conclusion, the Committee concluded that the situation in the Netherlands was in conformity with Article 31§3 of the Charter, pending receipt of the information requested (Conclusions 2015). The assessment of the Committee will therefore concern the information provided in response to the questions raised in its previous conclusion and to the targeted questions.

### **Social housing**

In a targeted question, the Committee asked for information on the measures taken to ensure an adequate supply of affordable housing, including with respect to the number of applications for social housing, the average waiting time for the attribution of social housing, the remedies available, and addressing the specific situation of Roma and Travellers. The Committee also asked for information as to whether and to what extent the Covid-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.

The report lists a series of measures aimed at ensuring an adequate supply of affordable housing. An action plan for tackling homelessness was adopted in 2022 (outside the reference period) envisaging the construction of 900,000 dwellings until 2030, including 250,000 dwellings in the social housing sector. A decision was taken at the national level that 30% of the total housing supply in each municipality must be made available as social housing. In July 2022 (outside the reference period), the Government, municipalities and housing associations reached an agreement on ensuring the availability, durability and affordability of the social housing supply, subject to strict monitoring procedures. Municipalities have been provided with the option of providing public land at discounted price for affordable housing developments. Housing associations gained access to loans on preferential terms provided by the Social Housing Guarantee Fund, a State-backed, not-for-profit foundation. Pursuant to the Housing Allocation Act, municipalities are permitted to impose additional rules on housing and land use, such as by requiring social housing quotas in new developments. Lastly, strict social housing rent controls were introduced and the implementation of a €3.5 billion housing benefit programme to help make housing more affordable began.

The report notes that average waiting times for social housing currently stand at 27 months, with some degree of variation between different regions. The report however explains that many of the households on waiting lists are not actively seeking a home but register in the expectation that they may require a home in the future. Consequently, the figure mentioned does not accurately reflect actual waiting times.

Furthermore, there are no indications that the Covid-19 crisis had an impact on the supply or construction of affordable housing. During this period, the payment of the so-called “landlord levy”, a tax on social housing providers, was repealed to stimulate construction and renovation activities. Furthermore, evictions in the rental housing sector were temporarily halted based on a voluntary agreement involving the main stakeholders in the housing sector. The report also notes that temporary rental contracts initially due to expire during the Covid-19 crisis were extended.

The Committee has previously asked repeatedly for information on the rent-to-income ratio for the lowest income quintile (Conclusions 2011, 2015). The Committee recalls that in order to establish that measures are being taken to make the price of housing accessible to those without adequate resources, States Parties to the Charter must show not the average affordability ratio (rent-to-income ratio) required of all those applying for housing, but rather that the affordability ratio of the poorest applicants for housing is compatible with their level of income (*European Federation of National Organisations working with the Homeless (FEANTSA) v. Slovenia*, Complaint No. 53/2008, decision on the merits of 8 September 2009, § 72). The report does not provide the information requested.

Due to the failure to provide requested information on the rent-to-income ratio for the lowest income quintile, the Committee concludes that the situation in the Netherlands is not in conformity with Article 31§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### ***Housing benefits***

In a targeted question, the Committee asked for information on housing benefits, whether in the framework of the housing benefit system, or in the framework of social assistance.

The report provides information about the housing benefit for 2020, broken up by household type (single or multiple), age (above or below 65), number of eligible households, average gross monthly rent, average housing benefit per month, and average gross monthly income. For example, the report notes that 332,000 households consisting of a single person aged above 65 received monthly housing benefits averaging €239, corresponding to an average monthly rent of €560 and an average gross monthly income of €1,556.

In its previous conclusion, the Committee asked for information on the number of refusals of housing benefits for the following reference period, as well as the grounds on which housing benefits were generally refused. The Committee also asked for information on the number of appeals lodged against refusals and the outcome of such appeals (Conclusions 2011, 2015). The report does not provide the information requested.

Due to the failure to provide requested information on the number of refusals of housing benefits, the grounds on which housing benefits were generally refused, the number of appeals lodged against refusals, and the outcome of such appeals, the Committee concludes that the situation in the Netherlands is not in conformity with Article 31§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

### ***Conclusion***

Due to the failure to provide the information listed below, the Committee concludes that the situation in the Netherlands is not in conformity with Article 31§3 of the Charter. The Committee considers that this failure to provide information amounts to a breach by the Netherlands of their reporting obligations under Article C of the Charter.

List of questions/Information missing:

- the rent-to-income ratio for the lowest income quintile;
- the number of refusals of housing benefits, the grounds on which housing benefits were generally refused, the number of appeals lodged against refusals, and the outcome of such appeals.