EUROPEAN COMMITTEE OF SOCIAL RIGHTS
COMITÉ EUROPÉEN DES DROITS SOCIAUX

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FOURTH REPORT
ON THE NON-ACCEPTED PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER

The Netherlands

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I. OVERVIEW

The European Social Charter is based on a ratification system, which enables States Parties, subject to certain minimum requirements, to choose the provisions they are willing to accept as binding international legal obligations. This system is provided for by Article A of the revised European Social Charter (Article 20 of the 1961 Charter) and it allows States, at any time subsequent to ratification of the treaty, to notify the Secretary General of their acceptance of additional articles or paragraphs.

It is in the spirit of the Charter for States Parties to progressively increase their commitments, tending towards acceptance of additional and eventually all provisions of the Charter where possible, as opposed to an *à la carte* stagnancy.[1]

The procedure on examination of reports on non-accepted provisions is provided for by Article 22 of the European Social Charter of 1961 (ETS No. 35). According to this provision, the States Parties shall send to the Secretary General, at appropriate intervals as requested by the Committee of Ministers, reports relating to the provisions of Part II of the Charter which they did not accept at the time of their ratification or by subsequent notification. The Committee of Ministers shall determine from time to time in respect of which provisions such reports shall be requested and the form of the reports to be provided.

In September 2022, the ECSR adopted a decision to henceforth implement the procedure on non-accepted provisions in respect of all State Parties to either Charter, in a reinforced manner. The current procedure provides for submission of written information by States Parties in accordance with a pre-established calendar, as well as for additional bilateral meetings when it is deemed to represent an added value. The written information, submitted by the States Parties shall be made public upon its reception, and national and international social partners, non-governmental organisations, national human rights institutions, equality bodies and other stakeholders are given the possibility to provide comments within three months after receipt of the written information.

II. EXECUTIVE SUMMARY

The Netherlands ratified the 1961 European Social Charter on 22 April 1980, accepting 71 (initially 69) of its 72 paragraphs and the revised European Social Charter on 3 May 2006, accepting 97 of its 98 paragraphs (only applying to the Kingdom in Europe). Thus far, the only paragraph of the revised Charter that have not been accepted by the Netherlands is 19§12.

The Netherlands ratified the 1988 Additional Protocol on 5 August 1992, accepting 3 of its 4 paragraphs and the 1991 Amending Protocol on 01 June 1993. 11 paragraphs (namely, Articles 1, 5, 6, 16 of the 1961 Charter and Article 1 of the 1988 Additional Protocol) remain applicable to Aruba, Curaçao, Sint Maarten and the Caribbean Part (special municipalities of Bonaire, Sint Eustatius and Saba).

[1] The opening paragraph of Part I reads "The Parties accept as the aim of their policy, to be pursued by all appropriate means both national and international in character, the attainment of conditions in which the following rights and principles may be effectively realised", followed by the heading of all rights contemplated by the European Social Charter. Part III, Article A, provides that "each of the Parties undertakes [...] to consider Part I of the Charter as a declaration of the aims which it will pursue by all appropriate means, as stated in the introductory paragraph of that part", followed by the rules on the choices available as regards provisions that Parties can declared to be bound by and which determine the modalities of monitoring under Part IV of the Charter. (See CM(2022)196-final).

The Netherlands accepted the 1995 Additional Protocol providing for a system of collective complaints on 3 May 2006 but has not yet made a declaration enabling national NGOs to submit collective complaints.

The procedure on non-accepted provisions was applied to the Netherlands through a written procedure for the first time in 2011, for the second time in 2016 and for the third time in 2021. The Government was invited to invited to submit written information on the non-accepted provision concerned - 19§12, and to report on any progress achieved towards accepting it and, if appropriate, the reasons for the delay in accepting this provision. In response, the Government stated that the policy with regard to language education is maintained and therefore confirmed that the Netherlands does not intend to accept Article 19§12 of the Charter, and that the rationale behind this position has not changed since 2011.

After examining the written information provided by the Government in 2011, 2016 and 2021, the ECSR took note of the position of the Netherlands but invited the Government to reconsider it with a view to accepting this provision. In this respect, the ECSR noted that the Netherlands is already bound by the European Convention on the Legal Status of Migrant Workers (ETS No. 93), Article 15 of which covers the same issues.

This fourth examination of the non-accepted provision, Article 19§12, is based on the adjusted procedure on non-accepted provisions. In terms of this procedure, the Netherlands was invited on **1 December 2025** to submit written information before 31 March 2026. The requested written information was registered on **31 March 2026**, and it was subsequently published on the CoE website.[2]

Having examined the written information provided by the Netherlands, the ECSR considers that that the situation in the Netherlands is compatible with the requirements of the Charter in respect of Article 19§12, which could be accepted immediately. The ECSR reiterates its previous position, recalling that the Netherlands is bound by the European Convention on the Legal Status of Migrant Workers (ETS No. 93), Article 15 of which covers the same issues.

The ECSR also invites the Netherlands to make a declaration enabling national NGOs to submit collective complaints, as a step towards meeting the strong interest of domestic NGOs in the continuous strengthening of social standards at the national level.

The ECSR remains at the disposal of the Government for enhanced dialogue on the provisions of the Charter and the relevant case law as well as on the possible extension of the revised Charter beyond the Kingdom in Europe and invites the Netherlands to undertake further commitments under the Charter as soon as possible. The ECSR flags that there will be a procedure on the non-accepted provisions carried out in future with regard to the Netherlands obligations under the 1961 Charter specifically.

A table showing the provisions of the revised Charter accepted by the Netherlands appears in Appendix I.

The next examination of the provisions not yet accepted by the Netherlands will take place in 2031.

II. EXAMINATION OF THE NON-ACCEPTED PROVISIONS OF THE REVISED EUROPEAN SOCIAL CHARTER

[2] Information provided by Netherlands on non-accepted provisions, 2026

Article 19§12 – Right of migrant workers and their families to protection and assistance

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:
to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

Situation in the Netherlands

The Government has reported that since 2002, its policy focus has been on promoting social cohesion, with learning the Dutch language as a central element of integration into Dutch society. As of 2004, the Government no longer provides education in the mother tongue of migrant children, though such education remains possible through private initiatives outside the formal education system.

Additionally, the Government notes that Article 9, paragraph 3 of the Primary Education Act and Article 6a of the Secondary Education Act permit temporary instruction in a language other than Dutch, when this is beneficial for the pupil's development. In these circumstances, the Competent Authority is required to establish a protocol, allowing teachers to draw upon the plurilingual backgrounds of students in their educational approach.

The Government also reiterates its position from previous reports in 2016 and 2021, maintaining that it does not intend to ratify Article 19§12 of the revised European Social Charter. It takes the view that its current policy on language education does not fully conform to the Charter's requirements with respect to this provision.

Opinion of the ECSR

Under Article 19§12 States should promote and facilitate the teaching of the languages most represented among the migrants present on their territories in schools, voluntary associations, and NGOs[3]. The ECSR points out that the obligation under Article 19§12 is to promote and facilitate the teaching of mother tongue to the children of the migrant workers 'as far as practicable' and hence does not extend to all languages spoken by migrant workers' children, but only to the languages most represented among the migrants in the Netherlands. Accordingly, compliance with Article 19§12 is to be assessed against the languages of the largest groups of migrants in the Netherlands. [4]

Furthermore, the ECSR points out that it assesses the following aspects of national law and practice: whether any measures or projects have been put in place in the framework of the school system or other structures to provide education of migrants' mother tongue[5]; whether the children of migrants have access to multilingual education and on what basis; what steps that government has taken to facilitate the access of migrants' children to these schools[6]; and whether any non-governmental organisations or other bodies, such as local associations, cultural centres or private initiatives that teach migrant workers' children the language of their country of origin, and whether they receive support.[7]

[3] Conclusions 2002, Italy; Conclusions 2011, Armenia; Conclusions 2011, Statement of Interpretation on Article 19§12
[4] Conclusions 2019, Albania
[5] Conclusions 2019, Albania
[6] Conclusions 2019, Albania
[7] Conclusions 2019, Albania

The ECSR notes that, since 2004, the Dutch education system has focused on providing instruction in Dutch, while opportunities for migrant children to learn their mother tongue are available through private initiatives outside the formal system. It further observes that schools may offer temporary education in other languages where this is considered beneficial for a pupil, although the Netherlands does not currently require or systematically provide mother-tongue instruction for migrant children.

The ECSR reiterates its previous position, recalling that the Netherlands is bound by the European Convention on the Legal Status of Migrant Workers (ETS No. 93), Article 15 of which covers the same issues.

In light of the information available, the ECSR considers that, following the ratification of the European Convention on the Legal Status of Migrant Workers mentioned above, the situation in the Netherlands is compatible with the requirements of this provision of the Charter, which could therefore be accepted immediately.

Appendix I: The Netherlands Country Factsheet

European Social Charter | Charte sociale européenne

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

— The Netherlands and the European Social Charter[8] —

Signatures, ratifications and accepted provisions

The Netherlands ratified the 1961 European Social Charter on 22/04/1980, accepting 71 (initially 69) of its 72 paragraphs and the Revised European Social Charter on 03/05/2006, accepting 97 of its 98 paragraphs (only applying to the Kingdom in Europe).

It ratified the 1988 Additional Protocol on 5/08/1992, accepting 3 of its 4 paragraphs and the 1991 Amending Protocol on 1/06/1993.

11 paragraphs (namely, Articles 1, 5, 6, 16 of the 1961 Charter and Article 1 of the 1988 Additional Protocol) remain applicable to Aruba, Curaçao, Sint Maarten and the Caribbean Part (special municipalities of Bonaire, Sint Eustatius and Saba).

The Netherlands accepted the 1995 Additional Protocol providing for a system of collective complaints on 03/05/2006 but has not yet made a declaration enabling national NGOs to submit collective complaints.

The Charter in domestic law

Automatic incorporation into domestic law.

Table of accepted provisions

1.1	1.2	1.3	1.4	2.1	2.2	2.3	2.4	2.5	2.6	2.7	3.1
3.2	3.3	3.4	4.1	4.2	4.3	4.4	4.5	5	6.1	6.2	6.3
6.4	7.1	7.2	7.3	7.4	7.5	7.6	7.7	7.8	7.9	7.10	8.1
8.2	8.3	8.4	8.5	9	10.1	10.2	10.3	10.4	10.5	11.1	11.2
11.3	12.1	12.2	12.3	12.4	13.1	13.2	13.3	13.4	14.1	14.2	15.1
15.2	15.3	16	17.1	17.2	18.1	18.2	18.3	18.4	19.1	19.2	19.3
19.4	19.5	19.6	19.7	19.8	19.9	19.10	19.11	19.12	20	21	22
23	24	25	26.1	26.2	27.1	27.2	27.3	28	29	30	31.1
31.2	31.3							Grey = accepted provisions			

[8] To be updated in 2026

Reports on non-accepted provisions

The European Committee of Social Rights ("the Committee") examines the situation of non-accepted provisions of the Revised Charter every 5 years after the ratification. It adopted reports concerning the Netherlands in 2011, 2016 and 2021.

Further information on the reports on non-accepted provisions is available on the relevant webpage.

APPENDIX II: Chişinău Declaration

COUNCIL OF EUROPE

CONSEIL DE L'EUROPE

19 March 2026

High Level Conference on Social Rights – the European Social Charter

(Chişinău, Republic of Moldova, 18-19 March 2026)

CHIŞINĂU DECLARATION

1. The Council of Europe member States gathered in Chișinău recognise that social rights as enshrined notably in the European Social Charter are under unprecedented pressure as Europe grapples with overlapping and mutually reinforcing societal crises. Democratic stability and security are directly impacted by rising socio-economic inequalities and the cost-of-living crisis. These factors, as well as the need to increase defence spending resulting from the unstable international situation, including Russia's war of aggression against Ukraine, have placed burdens on governments, institutions and communities already grappling with climate change, the health challenges arising from the Covid-19 pandemic and demographic change.

2. The Reykjavík Declaration (2023) and the Vilnius Declaration (2024) reinforced the political commitment of the Council of Europe member States to social rights, as guaranteed by the European Social Charter, a primary instrument for achieving social justice. The Vilnius Declaration welcomed the decisions taken by the Committee of Ministers of the Council of Europe to improve the implementation of the Charter system and its monitoring procedures.

3. In this context the member States reiterate their commitment to recognised principles on social rights and social justice enacted by other international or regional organisations including the United Nations, the International Labour Organisation (ILO) and, where applicable, the European Union (EU). They acknowledge the alignment of these principles with the Doha Declaration (2025).

4. Difficulty to guarantee social rights and deliver social justice is a major driver of distrust in public authorities and democratic institutions. The member States welcome the initiative on a New Democratic Pact for Europe (the Pact). With social justice as a key objective, the Pact offers an opportunity for renewed commitments, integrated solutions across sectors and innovative ways to support social justice. As previously stated by the Committee of Ministers, social justice denotes a society based on equality and solidarity, which meets fundamental human needs, reduces inequalities

through fair redistribution mechanisms and secures collectively the conditions necessary for every individual to develop and use their skills.

5. Investing in social rights is both a moral imperative and a strategic choice for building sustainable, resilient, just and inclusive societies. Such investment reduces inequality, fosters social cohesion and inter-generational justice, and enhances democratic stability and security. At the same time, it reinforces trust in institutions and public authorities at all levels of governance. Investing in social rights means investing in the future of democracy itself. Democratic stability and security can only be achieved where social rights are adequately protected.

6. On the occasion of this High-Level Conference, member States and participants at the Conference:

a. reaffirm their full commitment to the protection and implementation of social rights as guaranteed by the European Social Charter system and encourage member States to consider ratifying the revised European Social Charter (1996), while keeping under review the possibilities for accepting additional commitments, including the additional Protocol (1995) providing for a system of collective complaints;

b. recognise that ensuring social rights as enshrined notably in the European Social Charter is essential to countering growing threats to democracy driven in particular by fears about economic instability, declining working and living standards and limited opportunities;

c. recognise that combatting poverty and social exclusion is a question of human dignity. The cost-of-living crisis situation remains critical for millions of people, in particular the most vulnerable groups who are forced to spend a larger proportion of their income on essentials. This crisis disproportionately affected – and still affects - low-income households and particularly vulnerable population groups such as single-parent families, children, youth, persons with disabilities, older persons and Roma and Travellers;

d. underline the importance of addressing emerging labour rights challenges in Europe, including those arising from digitalisation, artificial intelligence and climate and demographic changes;

e. acknowledge that effective social dialogue, freedom of association and collective bargaining are indispensable for a just, inclusive and sustainable future of work;

f. recognise the role played by the Charter’s monitoring body, the European Committee of Social Rights, and the follow-up and other work undertaken by the Governmental Committee of the European Social Charter and the European Code of Social Security;

g. recognise the importance of strengthening visibility, understanding, awareness and ownership of the Charter, in particular at local level where social rights are implemented;

h. underline the importance of implementation of the Committee of Ministers 2022 reform package and the need to take into account reviews and evaluations thereof;

i. underline the need for better co-operation within the Council of Europe to promote coordinated action on social rights including between the Charter treaty bodies, the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Commissioner for Human Rights, the Conference of INGOs, other monitoring bodies and relevant intergovernmental Committees;

j. recognise the importance of institutional dialogue and synergies between the Council of Europe, the United Nations, the ILO and the EU in order to ensure coherence and complementarity.

7. In view of the above, member States:

a. commit, where necessary, to adopt laws and policies which can ensure equal enjoyment of social rights and equitable access to life/work opportunities to bring about a stronger, more cohesive, more democratic and socially just Europe, in which the enjoyment of the rights enshrined notably in the European Social Charter is effectively guaranteed, in law and in practice, while preserving an adequate balance between rights and obligations and strengthening incentives for labour market participation;

b. undertake, with due consideration of national systems and practices, to ensure that current economic, demographic and technological transformations in labour markets place workers at the centre, guided by respect for social rights, including decent working conditions, dignity in the workplace, fair remuneration, access to social protection and effective social dialogue;

c. undertake to adopt gender-responsive economic and social policies addressing the persistent social rights shortfalls experienced by women, including those resulting from the gender pay and pensions gaps, women's over-representation in precarious jobs and their disproportionate burden of unpaid household and care work;

d. undertake to strengthen child and youth perspectives and participation in strategies and measures to realise social rights, including those related to eradicating poverty and child labour and securing equal, inclusive societies, by establishing institutionalised, regular and meaningful participation mechanisms and advisory structures;

e. undertake to adopt measures to ensure the right to active social citizenship of older persons and commit to eliminating ageism and age discrimination, as well as to taking the necessary steps to ensure older persons' social protection, including their participation in society and ability to lead independent lives;

f. undertake to ensure the effective exercise of the rights of persons with disabilities to independence, social inclusion and participation in community life by taking the steps required to ensure that quality services are genuinely available and accessible to all persons with disabilities;

g. commit to take appropriate measures to give effect to the conclusions and decisions of the European Committee of Social Rights, including on the basis of the follow-up measures proposed by the Governmental Committee of the European Social Charter and the European Code of Social Security, taking into account national circumstances and realities;

h. resolve to promote and strengthen enhanced dialogue, conducted in a constructive spirit, between the European Committee of Social Rights, the Governmental Committee of the European Social Charter and the European Code of Social Security, competent national and local and regional authorities as well as other stakeholders, with a view to the shared objective of improving the achievement of social rights in practice;

i. resolve to fully engage with and support Council of Europe co-operation activities in the relevant fields and to explore financing options provided by the Council of Europe Development Bank (CEB) to improve the implementation of the Charter at national level;

j. resolve to maintain political engagement, through High-Level Conferences on social rights and the European Social Charter in order to monitor progress, share best practices, and encourage further treaty commitments.

8. Participants thank the authorities of the Republic of Moldova for the perfect organisation of the High-Level Conference and their gracious hospitality, and welcome the invitation by Portugal to hold the 3rd High-Level conference during their Presidency of the Committee of Ministers in 2029.

APPENDIX III: Digest of the case law of the ECSR

Link: **DIGEST OF THE CASE LAW OF THE EUROPEAN COMMITTEE OF SOCIAL RIGHTS**