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EUROPEAN SOCIAL CHARTER

16th National Report on the implementation of
the European Social Charter

submitted by

THE GOVERNMENT OF THE NETHERLANDS

Articles 7, 8, 16, 17, 19, 27, and 31
for the period 01/01/2018 – 31/12/2021

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CYCLE 2023

Appendix Revised Charter

Questions on Group 4 provisions (Conclusions 2023) Children, families and migrants

This questionnaire covers Thematic Group 4 – Children, families and migrants, comprising Articles:

- 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 children and young persons to social, legal and economic protection (Article 17),
- the right of migrant workers and their families to social, legal and economic protection (Article 19),
- the right of workers with family responsibilities to equal opportunities and equal treatment (Article 27),
- the right to housing (Article 31).

The ECSR will pursue the targeted and strategic approach adopted since 2019 (see Conclusions 2020 and 2021). It is therefore not asking that national reports address all accepted provisions in the Group. Certain provisions are excluded, except:

- when connected to other provisions which are the subject of specific questions
- when the previous conclusion was one of non-conformity
- when the previous conclusion was one of deferral due to lack of information
- when the previous conclusion was one of conformity pending receipt of specific information.

Moreover, given the magnitude, implications and expected longer-term consequences of the Covid-19 pandemic, the ECSR will pay particular attention to pandemic-related issues. In this connection, it is relevant to note that the reference period for Conclusions 2023 is 1 January 2018 to 30 December 2021. The Committee draws attention to relevant parts of its Statement on Covid-19 and social rights adopted on 24 March 2021.

Given the date of transmission of this questionnaire, the Committee requests that state reports be submitted by **31 December 2022** (and not the usual deadline of 31 October).

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

Excerpts from the ECSR's case law

In application of Article 7§1, domestic law must set the minimum age of admission to employment at 15 years.

The prohibition on the employment of children under the age of 15 applies to all economic sectors, including agriculture, and all places of work, including work within family enterprises and in private households. It also extends to all forms of economic activity, irrespective of the status of the worker (employee, self-employed, unpaid family helper or other).

The effective protection of the rights guaranteed by Article 7§1 cannot be ensured solely by legislation; the legislation must be effectively applied in practice and rigorously supervised. The Labour Inspectorate has a decisive role to play in this respect.

The ECSR has noted that many states' legislation is in conformity with the Charter regarding the minimum age for employment. Nevertheless, the ECSR has expressed concern about the situation in practice. There is data that suggests that in many countries there are significant numbers of children working illegally. However, there is little official data on the extent of the problem.

In application of Article 7§5, domestic law must provide for the right of young workers to a fair wage and of apprentices appropriate allowances. This right may result from statutory law, collective agreements, or other means.

The "fair" or "appropriate" character of the wage is assessed by comparing young workers' remuneration with the starting wage or minimum wage paid to adults (aged eighteen or above).

In accordance with the methodology adopted under Article 4§1, wages taken into consideration are those after deduction of taxes and social security contributions.

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.

Article 7§10 is applicable to foreign children in an irregular situation on the territory of a State Party to the Charter as not considering States Parties to be bound to comply with this obligation in the case of foreign minors who are in a country unlawfully would mean not guaranteeing their fundamental rights and exposing the children and young persons in question to serious impairments of their rights to life, health and psychological and physical integrity.

Therefore, measures should be taken to ensure the protection of unaccompanied or separated minors. The failure to care for unaccompanied foreign minors present in the country and take the necessary measures to guarantee these minors the special protection against physical and moral hazards causes a serious threat to their enjoyment of the most basic rights, such as the right to life, to psychological and physical integrity and to respect for human dignity, in violation of Article 7§10.

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

1. to provide that the minimum age of admission to employment shall be 15 years, subject to exceptions for children employed in prescribed light work without harm to their health, morals or education;

a) Please provide 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. In this regard, please provide information on the number of children actually working (either from existing statistics on this issue or from surveys to be conducted to obtain such information), as well as on measures taken to identify and monitor sectors where it is strongly suspected that children are working illegally (General question, Conclusions 2019).

Question Conclusions 2015:

The Committee requests that the next report provide updated information on inspections carried out by the Labour Inspectorate and the number of breaches detected and sanctions imposed in relation to the prohibition of employment under the age of 15.

The Working Hours Act (Arbeidstijdenwet) states that, in principle, children up to 16 years of age may not perform labour (prohibition of child labour). The employer and parent/guardian are responsible for compliance with this provision. It may nonetheless be permissible for children to perform labour under certain strict conditions: it must not be dangerous or injurious to health, and it may not affect school attendance. See paragraph 3 as well.

The Netherlands Labour Authority (NLA; formerly the Labour Inspectorate) 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 risk-based monitoring of compliance conducted by the NLA includes investigations of specific sectors that have unsafe and unhealthy conditions for children. This can lead to changes to tighten up legislation. For instance, the number of road accidents involving meal deliverers prompted amendments to the rules as from 1 July 2020.

It is now explicitly prohibited for young people under the age of 16 to deliver meals independently and on a commercial basis, in a manner that involves participation in traffic using a vehicle (such as a bicycle or e-bike).

The prohibition is laid down in Article 1.1 paragraph 3 of the Child Labour Order.

A study was recently conducted on instant delivery services in the Netherlands. The findings of this study will be incorporated into the response in the autumn of 2022 to the research commissioned by the Ministry of Social Affairs and Employment (SZW) on the modernisation of child labour legislation. In response to a motion submitted by members of Parliament to prohibit children under the age of 16 working for instant delivery services, an amendment will be made explicitly prohibiting children under the age of 16 from delivering meals independently and on a commercial basis, under pressure of time and involving participation in traffic.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

2. to provide that the minimum age of admission to employment shall be 18 years with respect to prescribed occupations regarded as dangerous or unhealthy;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the question(s) raised.

Questions Conclusions 2015:

The report indicates that breach of the access rules were identified in the agricultural and horticultural industries. The Committee asks for information on the number of violations and sanctions imposed by the Labour Inspectorate in this sense.

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.

The Committee asks how many children and young persons under the age of 18 were identified operating dangerous machinery and what measures/sanctions were taken in this regard.

The Netherlands Labour Authority does not have such data.

3. to provide that persons who are still subject to compulsory education shall not be employed in such work as would deprive them of the full benefit of their education;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

NON-CONFORMITY:

► *Article 7§3 – Right of children and young persons to protection - Prohibition of employment of children subject to compulsory education - Children aged 15, who are still subject to compulsory education, are not guaranteed the benefit of an uninterrupted rest period of at least two weeks during summer holidays; - 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.*

The main rule, as already noted, is that in the Netherlands children up to 16 years of age are in principle prohibited from working by the Working Hours Act. Exceptions are made in which children are permitted to work under strict conditions, provided it is not dangerous and is not detrimental to health and development or to school attendance.

For example, children up to the age of 13 may participate in cultural productions, but only if an exemption for this purpose is obtained from the Netherlands Labour Authority.

Children aged 13 to 15 are allowed to do non-industrial, light (auxiliary) work for a limited number of hours under certain conditions. 15-year-olds are permitted to work up to 40 hours a week during school holidays, with 12 hours of rest per day (at any rate between 21:00 and 07:00). They may 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.

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.

A 2003 study found that newspaper delivery had a positive, rather than negative, effect on school attendance and physical and mental well-being. Recent research by Regioplan (2022) on the modernisation of child labour legislation shows that having a part-time job has no negative effect on school performance.

Strict conditions also apply to ensure that children do not work for too long or too often, perform any unsafe work, and that their work is not detrimental to their development. In the event of a violation, the Netherlands Labour Authority can impose a sanction on the employer and/or parent/guardian.

4. to provide that the working hours of persons under 18 years of age shall be limited in accordance with the needs of their development, and particularly with their need for vocational training;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

5. to recognise the right of young workers and apprentices to a fair wage or other appropriate allowances;

- a) *Please provide updated information on net minimum wages and allowances payable to persons under 18 years of age. Please provide 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 minimum wage is lower for people under 21. The government adjusts the amount of the minimum wage twice a year – on 1 January and 1 July – in line with changes in average collectively agreed wages in the Netherlands.

Minimum wage as of 1 July 2022

Per month, week and day

Table 1, source: <https://www.government.nl/topics/minimum-wage/amount-of-the-minimum-wage>

Gross minimum wage as of 1 July 2022			
Age	Per month	Per week	Per day
21 year and older	€ 1.756,20	€ 405,30	€ 81,06
20 year	€ 1.404,95	€ 324,25	€ 64,85
19 year	€ 1.053,70	€ 243,20	€ 48,64
18 year	€ 878,10	€ 202,65	€ 40,53
17 year	€ 693,70	€ 160,10	€ 32,02
16 year	€ 605,90	€ 139,85	€ 27,97
15 year	€ 526,85	€ 121,60	€ 24,32

- b) *Please provide information on measures taken to ensure that this right is effectively enforced (e.g., through Labour Inspectorates and similar enforcement authorities, trade unions) (General question, Conclusions 2019).*

Young people's rights are enshrined in the Minimum Wage and Minimum Holiday Allowance Act (Wet minimumloon en minimum vakantiebijslag) (<https://wetten.overheid.nl/BWBR0002638/2020-01-01>).

This applies to young people aged 15 to 21. The minimum wage does not apply to children under the age of 15.

If the employer fails to comply with the minimum wage, the young person can report the matter to the Netherlands Labour Authority (anonymously if preferred) using this underpayment

reporting form: [Onderbetaling | Melden | Nederlandse Arbeidsinspectie \(nlarbeidsinspectie.nl\)](#)

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.

If the young person finds out later that they have been underpaid, the back pay can be claimed from the employer for five years starting from the date on which entitlement to wages/holiday allowance began. This also applies to claims for unpaid holiday allowance. If the employer refuses to pay, the young person can apply to the Labour Authority.

Working method of the Netherlands Labour Authority

Businesses bear primary responsibility for compliance with applicable legislation. Supervision is a safeguard. Supervision and investigation are deployed where the most persistent problems occur and where the effect is greatest. Supervision focuses on compliance with legislation governing working conditions, labour relations and conditions of employment (such as the minimum wage).

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).

In order to address the greatest risks and maximise social impact, the Labour Authority adopts a risk-based and programmatic approach. Each programme consists of a multi-year series of activities, each focusing on a particular theme or sector. To maximise effectiveness, each programme consists of a mix of interventions. Depending on the target groups and the risks concerned, the Labour Authority deploys interventions including targeted checks, information provision and consultation with the sector. It also sometimes combines interventions (inspections, communication, investigations, collaborative projects etc.). Other factors include the ways in which civil society organisations (such as trade associations) are organised and their potential influence on addressing risks.

Recent case

At the beginning of 2020, the Labour Authority recommended that children under the age of 16 be explicitly prohibited from delivering meals because of factors including the large number of violations involving young meal delivery workers and the expected market growth.¹ This ban took effect on 1 July 2020.

The Labour Authority investigated two meal delivery services. It found violations of the Foreign Nationals (Employment) Act (Wet arbeid vreemdelingen), but did not find any instances of suspected underpayment.² Inspections at catering establishments employing meal delivery workers did find other violations involving young people, both of the Working Hours Act (working too late, delivering in violation of the ban) and the Working Conditions Act (Arbeidsomstandighedenwet) (performing prohibited work). In 2021, the Labour Authority also called a halt to the delivery of meals by children below the set minimum age on several

¹ Netherlands Labour Authority, *Signaal over maaltijdbezorgers*, 10 February 2020. Appendix to House of Representatives 2019-2020, 25 883, no. 375.

² [rapportage-maaltijd-en-flitsbezorging.pdf \(overheid.nl\)](#)

occasions. About one-third fewer children under 16 were found to be involved in violations after the ban came into effect on 1 July 2020 than had been found before then. In addition, no more ads are found on social media recruiting meal delivery workers aged 15 and over.

- c) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

6. to provide that the time spent by young persons in vocational training during the normal working hours with the consent of the employer shall be treated as forming part of the working day;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

7. to provide that employed persons of under 18 years of age shall be entitled to a minimum of four weeks' annual holiday with pay;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Question Conclusions 2015:

The Committee recalls that the situation in practice should be regularly monitored and therefore it asks the next report to provide information on the number and nature of violations detected as well as on sanctions imposed by the Labour Inspectorate for breach of the regulations regarding paid annual holidays of young workers under the age of 18.

The Netherlands Labour Authority does not have such data.

8. to provide that persons under 18 years of age shall not be employed in night work with the exception of certain occupations provided for by national laws or regulations;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Question Conclusions 2015:

The Committee asks detailed and up-to-date information on the new rules applicable to night work and rest periods for children. It also requests information on the activities of the Labour Inspectorate of monitoring the prohibition of performing night work by children.

The Child Labour Order was amended in July 2011 to enable children aged 15 to perform non-prohibited work until 21:00 during holiday periods. This was because of the demonstrable need for this change, partly due to supermarkets' later closing hours. The

19:00 cut-off time has been retained during school weeks. As the tables below show, nightwork is prohibited under 18 years of age.

	Age 13/14	Age 15
Minimum no. hours' daily rest	14	12
On schooldays, minimum rest period	19:00 to 07:00	19:00 to 07:00
In school holiday periods, minimum rest period	19:00 to 07:00	19:00 to 07:00
Nightwork	no	no
On-call service	no	no
Uninterrupted break	30 minutes if working more than 4.5 hrs	30 minutes if working more than 4.5 hrs

Rest periods

Young people aged 16/17

Minimum daily rest	12 hrs
In any case	23:00 – 06:00
Weekly rest	36 hrs in each period of 7 x 24 hrs
Uninterrupted break if working more than 4.5 hrs	30 minutes

The Netherlands Labour Authority conducts risk-oriented supervision based on programmes and notifications. The Inspectorate does not have a programme specifically aimed at work done by children at night.

9. to provide that persons under 18 years of age employed in occupations prescribed by national laws or regulations shall be subject to regular medical control;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

NON-CONFORMITY

► *Article 7§9 - Right of children and young persons to protection - Regular medical examination –*

There is no general mandatory medical examination for workers under 18 years of age; - It has not been established that regular medical examination of young workers is guaranteed in practice (Conclusions 2017 and 2015).

Under section 18 of the Working Conditions Act, the employer must offer employees a periodic work-related medical examination (PAGO) based on a risk identification and evaluation. The purpose of the examination is to minimise the risks that work poses to employees' health and safety. In the case of some risks it is mandatory to offer a PAGO. One such risk is that the

employee is a minor.

10. to ensure special protection against physical and moral dangers to which children and young persons are exposed, and particularly against those resulting directly or indirectly from their work.

Questions Conclusions 2015:

The Committee asks the next report to provide an update of the situation in law as regards protection of children (until 18 years of age) from all forms of sexual exploitation.

The Committee asks for information about the factual information on the extent and character of the problem of child trafficking and street children.

- a) *Please provide updated information on the measures taken to strengthen the protection of children, including migrant, refugees, 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 Sexual Violence Against Children Victims Monitor 2017-2021³ was published on 8 November 2022. The report includes statistics, for example the percentage of 16- to 17-year-olds who in 2020 had been subjected to certain forms of sexual violence in the previous 12 months. 13.9% of girls report having experienced physical sexual violence and 28.5% of girls report having experienced online sexual harassment. Among boys, these percentages are 3.1% and 9.3%. The report also examines the prevalence of sexual violence against children aged under 12. This prevalence was determined by asking the entire population aged 16 and older (in 2020) about whether they had been subjected to sexual violence before reaching 12 years of age. 7.9% of girls and 2.8% of boys report having been subjected to physical sexual violence before age 12. In addition, 3.1% of girls and 1.0% of boys report having experienced online sexual harassment before age 12.

- b) *Please provide information on the impact of the Covid-19 pandemic on the monitoring of the exploitation and abuse of children, as well as measures taken to strengthen monitoring mechanisms.*

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 the police. The Verwey-Jonker Institute also commissioned a study into domestic violence during the pandemic.

At the end of 2022 the two-yearly Domestic Violence and Sexual Violence Prevalence Monitor will be published. This monitor covers the period March/April 2021 to March/April 2022 and will thus provide retrospective information on part of the pandemic.

- c) *Please provide 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).*

³ [Slachtoffermonitor seksueel geweld tegen kinderen 2017-2021 | Rapport | Nationaal Rapporteur](#)

The Sexual Assault Center

In the Netherlands, the Sexual Assault Center (CSG) offers medical and psychological help to victims of recent sexual violence (less than a week in the past). In cases in which the violence took place longer ago, the Centre also offers psychological help and advice and referrals to specialist care providers. Victims can visit any of the 16 branches 24/7 where forensic examinations are performed, if possible, as part of the investigation. Users can also communicate through the CSG's live chat. In collaboration with a consortium of experts, the CSG has developed the intervention known as First Aid after Online Sexually Harassment. The intervention aligns with the CSG's multidisciplinary approach. The intervention will run as a pilot project at the CSG for two years.

Online investigation strategy

The Dutch police are currently exploring ways of designing and rolling out an online strategy to investigate sexual offences and human trafficking. This exploratory study includes an impact analysis and a study of the legal operational framework as well as the ethical implications of deploying specific online detection tools. The results of the study are expected to be published in autumn 2022. Once it is completed, a pilot can be launched for a clearly defined online investigation strategy.

Dutch Expertise Bureau for Online Child Abuse (EOKM)

The Dutch Expertise Bureau for Online Child Abuse (EOKM) works to prevent and combat the online sexual abuse and exploitation of minors. It runs several programmes as part of this effort:

- Online images of sexual abuse of minors can be reported (anonymously) to the Child Pornography Reporting Centre. On the basis of a report, a request can be sent to the company hosting the material to remove it. Alternatively, the report may prompt an investigation.
- Helpwanted.nl is a site that offers practical advice to victims and/or those around them. The site also contains information about sexting, grooming and sextortion.
- The programme Stop it Now! has a telephone hotline that gives anonymous support, free of charge, to people who are concerned about their sexual feelings and/or behaviour towards minors. The goal of Stop it Now! is to prevent child sexual abuse.
- The EOKM receives a grant from the Dutch government.

Investigating and keeping the internet clean

The police and the Public Prosecution Service's efforts to combat online child sexual abuse focus on identifying victims, abusers, producers of material and key players within online networks. They also pursue those who download and distribute this material. Besides its investigative efforts, the Netherlands is also committed to keeping the internet clean.

The Netherlands uses a special tool – the 'instant image identifier' (formerly 'Hash Check Server') to match known child sexual abuse material with images posted on the internet. Internet companies can sign up to the instant image identifier. The image identifier is the subject of European research being carried out to determine how quickly illegal material can be removed from the internet. To clear the internet of child sexual abuse images, it is crucial to know who is hosting this harmful material, where, and for how long. Delft University of Technology has developed a surveillance tool that shows which platforms are hosting this material and how quickly they remove it.

Authority for the Prevention of Online Terrorist Content and Child Pornography (ATKM)

The government has announced its intention to establish an Authority for the Prevention of Online Terrorist Content and Child Pornography, which will be tasked with monitoring online material displaying child pornography or terrorist content. The ATKM will have the statutory power under administrative law to order services hosting child pornographic material to make the material inaccessible or remove it. If this instruction goes unheeded, the ATKM will have the power to impose an order subject to a penalty or an administrative fine. On 4 May 2022, the Advisory Division of the Council of State issued an advisory opinion on the Eradication of Online Child Pornographic Material (Administrative Law Approach) Bill (Wetsvoorstel bestuursrechtelijke aanpak online kinderpornografisch materiaal), which regulates the ATKM's responsibilities and powers in relation to online child pornographic material. This advisory opinion is currently being processed. The aim is to present the Bill to the House before the end of the year. In the meantime, a coordinating team is working on the structure of ATKM.

Sex Offences Bill (Wetsvoorstel seksuele misdrijven)

On 11 October 2022, the Dutch government submitted a Bill to parliament that modernises the classification of sexual offences in the Criminal Code. The Bill focuses especially on protecting children. In order to give children better protection from exposure to offline and online behaviour that makes them vulnerable to sexual abuse or disrupts their sexual development – and to be able to take more effective criminal action against perpetrators – this Bill introduces a new offence that criminalises advances to children in a manner deemed harmful to under-16s. The new provisions incorporate the existing criminal offences of grooming and sexual corruption. In addition, the maximum sentences for child sexual abuse will be increased.

Human trafficking

It is easier than ever for human traffickers to find and groom vulnerable boys and girls online for the purpose of exploitation. This is why measures are in place to protect children from sexual and other forms of exploitation online.

1. Various studies and projects have been or are being conducted on this particular topic. The resulting information and recommendations are taken into account (as far as possible) when government policy is made or improved. Some notable studies and projects include:
 - a. The online outreach programme currently being implemented by the Centre against Child Trafficking and Human Trafficking (Centrum tegen Kinderhandel en Mensenhandel; CKM). This programme uses technology and innovative techniques to protect boys and girls online and to provide them with online support. Reports on the findings will be published in mid-2022 and in 2023.
 - b. A study into a successful approach for helping the victims of romeo pimps (*Een goede toekomst: onderzoek naar een geslaagde trajectbenadering voor slachtoffers van loverboys*) currently being conducted by research institute ZonMw. This study looks into how romeo pimps come into contact with young girls (including online), how they remain in contact with them, and what types of support and ways of preventing reoffending are most effective. Results are expected at the end of 2022.
 - c. A study into boy victims of prostitution in the Netherlands (*Discretie te allen tijde. Een onderzoek naar jongensslachtoffers binnen de prostitutie in Nederland* (2021)) conducted by the CKM, together with the Expertise Centre

on Human Trafficking and People Smuggling (Expertisecentrum Mensenhandel en Mensensmokkel; EMM) and Lumens. The study looked into how perpetrators come into contact with victims online, and what role the online world plays in their exploitation.

2. The National Action Plan 'Together Against Human Trafficking' (Samen tegen Mensenhandel) was launched in 2018. In the coalition agreement, funding was allocated for the continuation of the programme. In the renewed programme special attention will be given to young and vulnerable victims and to the online dimension of human trafficking (e.g. how online victimisation can be prevented as well as how online support can be offered to victims and potential victims of human trafficking).

d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

Article 8 – The right of employed women to protection of maternity

Excerpts from the ECSR's case law

Article 8 of the Charter provides specific rights protecting employed women during pregnancy and maternity. The aim of such protection is the protection of the health of a mother and a child. Such protection is possible where employed women are entitled to safe and healthy working conditions, i.e. working conditions that take due regard of their specific needs during particular periods. Safe and healthy working conditions include also protection against less favourable treatment due to pregnancy and maternity.

Since pregnancy and maternity are specific to women, any less favourable treatment due to pregnancy or maternity is to be considered as direct sex discrimination. Consequently, the non-provision of specific rights aimed at protecting the health and safety of a mother and a child during pregnancy and maternity, or the erosion of their rights due to special protection during such a period are also direct sex discrimination.

It follows that, in order to ensure non-discrimination on the grounds of sex, employed women during the protected period may not be placed in a less advantageous situation, also with regard to their income, if an adjustment of their working conditions is necessary in order to ensure the required level of the protection of health. It follows that, in the case a woman cannot be employed in her workplace due to health and safety concerns and as a result, she is transferred to another post or, should such transfer not be possible, she is granted leave instead, States Parties must ensure that during the protected period, she is entitled to her average previous pay or provided with a social security benefit corresponding to 100% of her previous average pay. Further, she should have the right to return to her previous post.

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

1. to provide either by paid leave, by adequate social security benefits or by benefits from public funds for employed women to take leave before and after childbirth up to a total of at least fourteen weeks;

a) Please provide information whether the Covid-19 crisis had an impact of on the right to paid maternity leave (in particular whether all employed women concerned – in the private as in the public sector - continue to receive at least 70% of their salary during the whole length of the compulsory maternity leave during the Covid-19 crisis).

The COVID-19 crisis did not influence the right to Pregnancy and Maternity Leave Benefit.

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

2. to consider it as unlawful for an employer to give a woman notice of dismissal during the period from the time she notifies her employer that she is pregnant until the end of her maternity leave, or to give her notice of dismissal at such a time that the notice would expire during such a period;

a) *Please provide information:*

i) *whether the Covid-19 crisis had an impact on the possibility of dismissing pregnant employees and employees on maternity leave and*

ii) *whether there were any exceptions to the prohibition of dismissal during pregnancy and maternity leave during the pandemic.*

The COVID-19 crisis did not lead to an exemption from the ban on dismissing women for pregnancy or for taking maternity leave. However, it is possible that companies have had to be wound down or that fixed-term employment contracts have not been renewed because of a lack of work. Some of those concerned may be women who are pregnant or on pregnancy or maternity leave. Even in these situations, however, the fact that the employee is pregnant or on leave is not a legitimate ground for dismissal. The COVID-19 crisis has not changed this.

If the previous conclusion was one of non-conformity, please explain whether and how the non-conformity was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

3. to provide that mothers who are nursing their infants shall be entitled to sufficient time off for this purpose;

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

4. to regulate the employment in night work of pregnant women, women who have recently given birth and women nursing their infants;

a) *Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that in case of exemption from work related to pregnancy and maternity, the woman concerned is entitled to paid leave.*

It is not permissible to alter the working conditions or duties of a female employee because of pregnancy in such a way as to affect her earnings. This applies even if she is no longer permitted to perform her own work because of pregnancy. The Work and Care Act (Wet arbeid en zorg) stipulates that the employer may not disadvantage the employee on the grounds that that employee has, either at law or otherwise, invoked a right to leave within the meaning of that Act, or has assisted others or lodged a complaint within the company in this connection.

b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

5. to prohibit the employment of pregnant women, women who have recently given birth or who are nursing their infants in underground mining and all other work which is unsuitable by reason of its dangerous, unhealthy or arduous nature and to take appropriate measures to protect the employment rights of these women.

- a) *Please provide updated information to confirm that no loss of pay results from the changes in the working conditions or reassignment to a different post and that the women concerned retain the right to return to their previous employment at the end of the protected period.*

It is not permissible to modify the conditions of employment or duties on account of pregnancy such as to reduce the employee's income. The Work and Care Act stipulates that an employee who is enjoying leave under the terms of that Act must be given the opportunity to return to the original or an equivalent position after the period of leave concludes, without being subject to less favourable conditions, and must be permitted to benefit from any improvement in conditions of employment to which he or she would have been entitled if not on leave.

- b) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

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

Excerpts from the ECSR's case law

Article 16 of the Charter applies to all forms of violence against women and domestic violence and States Parties are required to ensure an adequate protection against such violence in both law and practice. It follows that States Parties must show due diligence in deploying measures such as restraining orders, penal sanctions for perpetrators, adapted judicial procedures, and adequate compensation for victims, and training, particularly for police officers and other working directly with victims as well as collection and analysis of reliable data. States must ensure provision of shelter or protected accommodation for victims or for women at risk of violence, as well as services to reduce the risk of violence and support and rehabilitate victims. Victim empowerment should also be strengthened through early advice and protection measures as well as minimum or supplemented income for victims or would-be victims.

States Parties are required to ensure the economic protection of the family by appropriate means. The primary means should be family or child benefits provided as part of social security, available either universally or subject to a means-test.

Family benefits must constitute an adequate income supplement for a significant number of families. Adequacy is assessed with respect to the median equivalised income (Median equivalised income (Eurostat): the income of a household is established by summing all monetary income received from any source by each member of the household. In order to reflect differences in household size and composition, this total is divided by the number of "equivalent adults" using a standard scale (the so-called modified OECD equivalence scale). The resulting figure is attributed to each member of the household.).

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

- a) *Please provide updated information on measures taken to reduce all forms of domestic violence against women including information on incidence and conviction rates.*

In 2018 we launched the programme 'Violence has no place in the home' ('Geweld hoort nergens Thuis') to invest additional resources in addressing domestic violence and child abuse, including harmful practices such as female genital mutilation and forced marriage, and violence against women. The programme focuses on multidisciplinary and specialist collaboration not only in cases of acute threats to safety, but also in cases of suspected criminal offences and when building a criminal case. Such action could help to prevent and/or halt violence at an earlier stage by deploying appropriate interventions in the family/household early on. The government has extended the programme for 2022 and made funding available to strengthen local and regional approaches to domestic violence and child abuse. The foundations laid with this programme will be integrated with the approach to youth protection in the Future Scenario Programme launched this year. This programme involves an integrated analysis of what those concerned need to achieve safety and/or safe development.

In 2021, this specialist assistance agency received over 120,000 reports of (suspected)

domestic violence and child abuse. In that year, 9,180 domestic violence cases were referred to the Public Prosecution Service. In the cases disposed of, 5,610 notices of summons were issued and in 4,085 cases court judgments were handed down with a finding of domestic violence.

- b) For States Parties not having accepted Article 31, please provide updated information on the availability of adequate affordable housing for families.*
- c) Are family or child benefits provided subject to a means-test? If so, what is the percentage of families covered?*

The General Child Benefit Act (Algemene Kinderbijslagwet; AKW) and Child Budget Act (Wet op het kindgebonden budget; WKB) are tax-funded universal schemes covering all residents.

- General Child Benefit Act: the amount of general **child benefit** depends on the child's age and not on household income.
- The amount of child budget depends on the number of children and their ages, as well as on household income, assets and composition. A person qualifies for child budget if they:
 - receive child benefit;
 - have a household income below a certain threshold, depending on the number of children and their ages and the composition of the household; and
 - do not have assets exceeding €120,020 for a single person or €151,767 for a couple (excluding certain assets such as a home or car).
- d) Please provide information about the amounts paid in child/family benefit as well as the median equivalised income for the reference period.*

General Child Benefit Act: cash benefits paid per quarter:

- per child aged under 5: €249.31
- per child aged 6-11: €302.74
- per child aged 12-17: €356.16

The amounts may be doubled if:

- the child is not living at home because of education or disability (if the conditions of the General Child Benefit Act are met), or
- if the parent or parents provide home care for their severely disabled child (aged 3-17) with high-level care needs. A single parent or single earner in this situation receives an extra annual amount of € 2,298.28.

Child Budget Act:

Parents who receive child benefit for one or more children aged under 18 may qualify for child budget if their income and assets do not exceed a certain threshold. The amount of child budget depends on the income of the parent(s), the number of children and the child's age. A higher amount is paid for children aged 12-17.

Parents whose annual household income does not exceed €38,070 receive the maximum amount of child budget. For single parents the income threshold is €21,430. As the household income rises, the benefit amount is reduced by 6.75% of the difference between the household income and the threshold income. Child budget is not payable if the household income is above a certain threshold per year (excluding the extra payment for children aged 12-17, because this

gives too many different incomes):

Maximum amount per year for:

- one child: €1,220
- two children: €2,326
- three children: €3,327
- four or more children: an additional €1,001 per child

This annual amount is increased by:

- €251 for children aged 12-15
- €447 for children aged 16-17

Single parents receive an additional amount of up to €3,285 per year. Child budget is paid in advance on a monthly basis.

Question Conclusions 2015:

In view of the foregoing and in order to assess the adequacy of child benefit the Committee asks the next report to indicate the number of families receiving the combination of the universal child benefit and the child-related allowance. Meanwhile, it reserves its position on this point.

In 2022 1.320.076 families received the combination of the universal child benefit and the child-related allowance.

- e) Is there a length of residence requirement imposed on nationals of other States Parties lawfully resident in your country for eligibility to child/family benefits?*

The General Child Benefit Act and the Child Budget Act are universal schemes for all residents. People working in the Netherlands and pay Dutch income tax are also eligible.

- f) What measures have been taken to ensure that vulnerable families can meet their energy needs, in order to ensure their right to adequate housing (which includes access to essential services)?*

A broad package of measures was announced on Budget Day to support the most vulnerable households during the current energy crisis. It consists of four components. First, the extension of the one-off energy allowance, which has been set at €1,300 for 2022. The allowance is intended for people living on 120% of the guaranteed minimum income and is paid by municipal authorities. It has been decided to pay out another €1,300 to this target group in 2023.

Second, it was decided to introduce a generic price cap on energy from 1 January 2023. This is based on volume limits of 1,200 m³ of gas and 2,900 kWh of electricity. Above this limit, the market price will continue to apply, thus maintaining the incentive to save energy.

Third, a temporary emergency fund is being set up for people who can no longer pay their energy bills due to the sharp increase in energy costs. The emergency fund will pay part of the bill directly to the energy supplier. This will prevent households from building up problematic debts that would lead them to having their gas and electricity disconnected.

Finally, work is in progress on a disconnection policy. Discussions with energy suppliers are

still ongoing. Central government is trying to ensure that no one is cut off this winter unless there is demonstrable abuse, fraud or safety risks.

Besides the four interventions focusing specifically on the increased energy costs (energy allowance, price cap, disconnection policy and emergency fund), the government is also taking a broader approach to this issue. This involves extra efforts geared towards prevention and savings, timely identification of problematic situations, and effective debt counselling as the final element of this approach.

This wider approach starts with a commitment to accelerate energy savings and sustainability. As from 1 November 2022, households with an aggregate income of up to €45,014 will be able to take out an energy savings loan from the Energy Retrofit Fund at 0% interest. In order to expedite structural insulation measures through the National Insulation Programme, we are making an additional €300 million available in the Budget Memorandum.

Work is under way, in collaboration with energy suppliers and municipal authorities, to improve responses to signs of payment arrears. Energy suppliers will send more frequent and more detailed alerts to municipal authorities, so that households that are having trouble paying their energy bills will be flagged up at an earlier stage. Municipal authorities will make more targeted interventions and will receive a total of €35 million in 2022 in incidental funds to offer targeted help both through timely alerts and special assistance. In addition, starting in 2023, municipalities will receive an annual sum of €40 million to strengthen municipal services. This can be used to finance an alert system, among other things.

- g) If specific temporary measures were taken to financially support vulnerable families during the Covid-19 pandemic, will they or are they expected to they been maintained or withdrawn? If they have been withdrawn, what effect is this expected to have on vulnerable families?*

The Temporary Support Scheme for Necessary Costs (Tijdelijke Ondersteuning Noodzakelijke Kosten; TONK) was introduced to support households that were unable to pay the costs of housing and other basic necessities due to a drop in income caused by the coronavirus crisis. The scheme was implemented by municipalities, which were given the freedom to take local circumstances into account. This was reflected in the admission criteria and the amounts paid. Municipalities also had policy freedom with regard to determining applicants' financial capacity. In other words, municipalities were free to decide the extent to which income and capital would be taken into account in the assessment of applications. The municipalities received a TONK budget from the national government. To give municipalities sufficient scope to implement the scheme, the initial budget was doubled from €130 million to €260 million. A second tranche of €195 million was distributed to municipalities in September 2021. The scheme ended on 30 September 2021. Municipalities were not required to report on the way they distributed the TONK budget. An evaluation of the use of the funds may be carried out at a later stage.

- h) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Caribbean Netherlands

NON CONFORMITY

► *Article 16 – Right of the family to social, legal and economic protection – In respect of the special Caribbean municipalities, the protection against domestic violence against women is*

not adequate; In respect of the special Caribbean municipalities, there is no child benefit scheme.

Domestic violence and child abuse

The Ministry of Health, Welfare and Sport is working with the public bodies of Bonaire, St Eustatius and Saba on developing a fully-fledged, sustainable approach with regard to domestic violence and child abuse. To this end, an initial administrative agreement was concluded in 2017 on the approach to domestic violence and child abuse in the Caribbean Netherlands. The agreement lists five priorities: prevention, enhancing expertise, strengthening support services and shelters, developing a good reporting structure, and identifying the legal framework. On 7 December 2020 the continuation of the Administrative Agreement on Tackling Domestic Violence and Child Abuse in the Caribbean Netherlands 2021-2024 was ratified.

An Advice and Reporting Centre for Domestic Violence and Child Abuse (AMHK) was set up on Bonaire in July 2020. It was initially open only to requests for advice and reports from professionals. Since October 2021, the AMHK has been available to all members of the public on Bonaire. Saba and St Eustatius also each acquired their own AMHK in October 2021. These two islands have chosen to start by only receiving communications from professionals, but they are developing a plan to make these centres accessible to the public.

The public body of Bonaire partnered with Krusada Foundation to launch the Refugio Tabitha women's shelter at the end of 2019. The women's shelter has 10 apartments for women and their children. The public body of Saba is working toward a wider-ranging approach and a flexible shelter that can accommodate different target groups. While developing these plans, it is continuing to use commercial locations to accommodate victims. The public body of St Eustatius is also working towards a flexible shelter for victims of domestic violence and for children who need temporary accommodation and care. St Eustatius too will continue to shelter victims in commercial locations until then.

In UNICEF's 2019 report 'Situation Analysis of Children and Adolescents in the Caribbean Netherlands', UNICEF recommends performing a baseline measurement of attitudes in society towards violence against women and children. This baseline measurement is to be conducted in collaboration with the public bodies, relevant organisations and the Ministry of Health, Welfare and Sport. The research began on 1 October 2022 and will take one year. On the basis of the definitions laid down in the order in council on social support and prevention of domestic violence and child abuse, the research will investigate the attitudes of people living in the Caribbean Netherlands towards the use of violence in parenting or in romantic and other personal relationships. The findings can be used to steer the further development of policy on tackling domestic violence and child abuse.

Among other things, the order in council lays down the definitions of domestic violence and child abuse and regulates the establishment and duties of an advice and reporting centre for domestic violence and child abuse, the obligation for certain organisations to adopt a special protection protocol for professionals responding to signs of domestic violence and child abuse, and the right of professionals to report their concerns.

Since August 2022, a pilot programme with temporary domestic exclusion orders has been running in the Caribbean Netherlands. It was prepared by the Ministry of Justice and Security together with the three public bodies, the Ministry of the Interior and Kingdom Relations and the Ministry of Health, Welfare and Sport, and the relevant implementing organisations. The aim of the pilot is for the parties involved to design a work process for temporary domestic exclusion orders in the Caribbean Netherlands, to be applied to perpetrators of domestic violence. The pilot should also make clear to what extent the islands possess the enabling conditions that will make it possible to deploy such temporary domestic exclusion orders effectively and to what

extent there is a need for statutory regulations for their implementation in the Caribbean Netherlands. The pilot programme is set to run for fifteen months.

The approach involves cooperation between diverse agencies to protect and support victims and witnesses of violence against women as well as domestic violence and child abuse. This cooperation partly involves a network partnership on the three islands, in which complex problems such as domestic violence and child abuse, aftercare following detention, juvenile crime and problematic substance use are dealt with in an integrated, system-based way: Bonaire has its Care and Community Safety Partnership, Saba has its Safety Network, and St Eustatius has its Multidisciplinary Case Management (MDO). Talks are currently in progress between the relevant ministries – Justice and Security, Interior and Kingdom Relations, and Social Affairs and Employment– and the public bodies about the further development of multidisciplinary case management, aimed at embedding these innovations permanently under the responsibility of the public bodies. In addition, the public body of Bonaire is working to establish a Family Justice Centre, to deepen the specific, integrated approach to tackling domestic violence and child abuse in the Care and Community Safety Partnership.

Legislative and other measures are in place in the Caribbean Netherlands to protect victims from violence – or further violence. They include provisions in the BES (Bonaire, St Eustatius, and Saba) Criminal and Civil Codes. An amendment to the BES Civil Code came into effect on 1 January 2022 prohibiting violence in parenting. In addition, an amendment is in preparation to modernise the BES Code of Criminal Procedure. This will strengthen the position of the victim in criminal proceedings. It will also be considered whether – in addition to the possibilities already afforded by the imposition of special conditions – exclusion and restraining orders will be included in implementing legislation with respect to the BES Criminal Code.

Victims in the Caribbean Netherlands (as well as their relatives or next of kin) may be eligible for a one-off payment through the Criminal Injuries Compensation Fund. Victim Support is also available, to offer victims of violence legal, practical and emotional support.

Social security

Since 2016, the social security system of the Caribbean Netherlands has been expanded to include child benefit. Child benefit is a contribution to the costs of raising one or more children up to their 18th birthday. All parents and carers with residential status in the Caribbean Netherlands are entitled to child benefit, regardless of their income. Child benefit is provided on a monthly basis and, as from 1 January 2023, amounts to USD119 per child per month. Child benefit in the Caribbean Netherlands corresponds to the level of child benefit in the European Netherlands for the highest age category. In addition, parents who are (temporarily) unable to make ends meet receive support from the *Onderstand* (social assistance). Social assistance consists of a basic amount and various supplements depending on the household situation. Parents in receipt of social assistance who have children living at home also receive a supplement to social assistance for each child (up to a maximum of three children) for additional support, as well as child benefit. Parents may also receive financial assistance towards the cost of school supplies for their children.

Questions Conclusions 2015:

It therefore asks the next report to provide detailed information on childcare facilities for the special Caribbean municipalities.

In 2019 the special Caribbean municipalities in cooperation with the ministries of the central government Social Affairs and Employment (SZW), Health, Welfare and Sport (VWS) and

Education, Culture and Science (OCW) established the program 'BES(t) 4 kids'. The main objectives of this program are to improve quality of the childcare organizations and make childcare financially affordable for all parents.

The municipalities have established an island childcare ordinance that includes the quality requirements that childcare organizations must meet. A licensing system has been introduced and a start has been made with monitoring the implementation of the island ordinance.

In July 2020, the temporary subsidy scheme for financing childcare in the Caribbean Netherlands came into effect. With this scheme, the amount of the parental contribution was maximized and childcare organizations received a subsidy to compensate for the maximization of the parental contribution and also to improve the quality of childcare. The national government will submit the Childcare BES Act to parliament no later than early 2023.

At the end of 2021 68% of the children from 0-4 years and 52% from the children between 4 and 12 years are attending the childcare facilities (daycare and after school care). There are approximately 60 childcare organizations where are 328 employees in the pedagogical staff.

In respect of the special Caribbean municipalities (Bonaire, St Eustatius and Saba), the report indicates that associations representing families have still to be established. The Committee asks the next report to indicate the progress achieved in this regard.

In the framing of family policies regarding the Caribbean Netherlands the 'Kinderombudsman' and UNICEF are the two formal parties that are regularly contacted. The 'Kinderombudsman' is consulted during the drafting of the cooperation agreements about youth care plus (samenwerkingsafspraken Jeugdzorg Plus), the cooperation covenant 13+ (samenwerkingsconvenant 13+) and the Order in Council about domestic violence and child abuse (AMvB Huiselijk geweld en Kinder mishandeling). UNICEF was involved in the situation analyses linked to the Treaty of Istanbul (Verdrag van Istanbul) and the follow up of the recommendation of the children's right committee (Kinderrechtencomité).

Besides that, citizen participation is deployed for specific policy topics. As an example, foster parents were actively involved in setting up the Order in Council regarding foster care (AMvB Pleegzorg BES) and they will be approached again for the evaluation of the same Order in Council in 2023. In addition, on all three islands youth councils are installed that can be consulted about specific (family)policy topics. To increase family participation in the future, VWS is willing to organize more feedback groups during the further development of youth care in the Caribbean Netherlands.

In respect of the special Caribbean municipalities (Bonaire, St Eustatius and Saba), the report provides no information on mediation services. The Committee therefore reiterates its request for information on such services, whether they are free of charge, how they are distributed across the country and how effective they are.

In the Caribbean Netherlands the first and second line youth care services are set up to provide support and mediation in conflicts concerning, among others, divorce, parenting plans, visitation arrangements or disrupted communication regarding the child. This support is freely accessible to parents/caretakers. Currently, there is no specific data available that measures the effectiveness of the mediation. By measuring the safety of the child however, the second line youth care organisation in the Dutch Caribbean does examine whether mediation has an positive effect on a safe upbringing of the child.

In respect of the special Caribbean municipalities (Bonaire, St Eustatius and Saba), the report indicates that single-parent families are a key target group of the integrated approach on socio-

economic issues. The Committee asks the next report to provide detailed information on the outcome of the policies that are being adopted.

Single-parent families experience, in general, more difficulties when they have to live around or below the poverty line. Poverty has major negative consequences for the parenting style. Progress in reducing poverty for this target group is being made at both the national and local level.

The minimum wage and all benefits have increased in recent years and further increase is foreseen in regard to establish a social minimum in Caribbean Netherlands. For example the child benefit is increased from 38 USD per child per month in 2016 to 130 USD per child per month in 2023. Furthermore, the child care facilities are enhanced and financially accessible to all citizens through a maximised parental contribution. Parents who cannot afford the parental contribution can get financial help from the public entity. Good and affordable child care improves the economic position of single parents. Many investments in the professionalization of employment services on Bonaire and Sint Eustatius in particular have been made. On Bonaire this has led, among other things, to the establishment of the Plenchi di Trabou (Jobcenter), a joint programme of the public entity and ministry aimed at job seekers and employers. Public entities have more budget to provide more intensive guidance to job seekers and offer them more development opportunities, for example through job programs.

The public entities are working on a more integrated approach to assist the target group. Each public entity has set up a team of social workers for providing low-threshold support for problems in various areas such as parenting, finances and self-reliance. National and local government work together to ensure the continuity of social work. Parental support is available and approachable in each public entity. National and local government work together with UNICEF to develop a campaign regarding positive parenting. Co-operation regarding debt counselling will be intensified the coming period by investing in education of (social) workers and assisting to set up a local poverty and debt policy. A legislative proposal is being drafted aimed at prioritising child maintenance to improve the financial security of children from divorced parents

In respect of the special Caribbean municipalities (Bonaire, St Eustatius and Saba), the report indicates that in the absence of a child benefit scheme a tax allowance scheme is available for resident taxpayers irrespective of their nationality. The Committee asks the next report to indicate whether stateless persons and refugees are treated equally with regard to family benefits.

Since 2016 citizens of the Caribbean Netherlands are entitled to child benefit. Migrants, refugees or stateless persons who are in the possession of a residence permit are entitled to child benefit. If it is not clear whether a person can be regarded as living in the Caribbean Netherlands or not, the detailed examination of the situation is necessary.

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

Excerpts from the ECSR's case law

The ECSR has noted with concern the increasing number of children in Europe registered as stateless, as this will have a serious impact on those children's access to basic rights and services such as education and healthcare. In 2015, UNHCR estimated the total number of stateless persons in Europe at 592,151 individuals. Therefore, the ECSR examines what

measures have been taken by States Parties to reduce statelessness (such as ensuring that every stateless migrant child is identified, simplifying procedures to ensure the acquisition of nationality, and identifying children who were not registered at birth).

The prevalence of child poverty in a States 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. The obligation of States Parties to take all appropriate and necessary measures to ensure that children and young persons have the assistance they need is strongly linked to measures directed towards the amelioration and eradication of child poverty and social exclusion. Therefore, the Committee will take child poverty levels into account when considering the state's obligations in terms of Article 17 of the Charter.

The Committee recalls that Article 17§2 of the Charter requires States Parties to establish and maintain an educational system that is both accessible and effective (Conclusions 2011). The Charter provides that the obligations under this provision may be met directly or through the involvement of private actors. The Committee notes further that in many states private education is also available.

The Committee is also mindful in this respect of the *Abidjan Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education*. It recalls that the requirement that States respect the freedom of parents to choose an educational institution other than a public institution leaves unchanged the obligation under the Charter to provide free quality public education. Similarly, the offer of educational alternatives by private actors must not be to detrimental to the allocation of resources or otherwise undermine the accessibility and quality of public education. Moreover, States are required to regulate and supervise private sector involvement in education strictly by making sure that the right to education is not undermined.

The closures of schools and other educational institutions during the pandemic have unmasked and exacerbated pre-existing inequalities in education, raising issues in terms of Articles 10, 15, 17, and Article E of the Charter. The necessary recourse to remote learning during lockdown periods has highlighted and exacerbated the issue of digital exclusion. There is a generalised risk of learning loss and a development gap that for many children, and also for a number of adolescents and adults, will be difficult if not impossible to make up. In many instances, a move from face-to-face teaching has severely impacted on access to, and the quality of education enjoyed by, children with disabilities and special educational needs, with implications for Article 15 and Article 17 of the Charter.

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, etc.

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

- a) to ensure that children and young persons, taking account of the rights and duties of their parents, have the care, the assistance, the education and the training they need, in particular by providing for the establishment or maintenance of institutions and services sufficient and adequate for this purpose;**
- b) to protect children and young persons against negligence, violence or exploitation;**
- c) to provide protection and special aid from the state for children and young persons temporarily or definitively deprived of their family's support;**

a) Please provide information on measures taken by the State to:

- i) 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) and*
- ii) facilitate birth registration, particularly for vulnerable groups, such as Roma, asylum seekers and children in an irregular situation. (General question posed in Conclusions 2019).*

We have no up-to-date information available.

b) Please provide information on measures taken to:

- i) child poverty (including non-monetary measures such as ensuring access to quality and affordable services in the areas of health, education, housing etc.) and*

Growing up in a low-income family has negative consequences for a child's development and future. Childhood poverty is particularly distressing, as children cannot influence their family situation nor the causes of and solutions to poverty. Responsibility for policy on child poverty has largely been devolved to local authorities. 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. All these parties contribute on the basis of their own powers and responsibilities.

The central government uses income policy and labour market policy to tackle the structural causes of poverty. For example, during the previous government's term in office, an extra €900

million was invested to support families with children under 18 (increased child benefit, childcare allowance). This also benefited children growing up in poverty.

The central government wants to ensure that every child from a low-income family can participate in society. The number of low-income families with children must be reduced. This government therefore intends to introduce various measures to tackle poverty among families, such as:

- enhancing job opportunities for people who experience difficulty finding work;
- preventing and tackling financial problems and debt;
- increasing the disposable income of parents on low incomes.

Growing up in poverty does not simply entail growing up in a family with a financial shortage. These children and young people have to deal with material and immaterial deficiencies in almost all areas of their lives that hinder their development and limit their opportunities in the future. In addition to financial improvements, investments in education, health and housing also contribute to a successful approach to child poverty. Through a diverse approach Life Domains, intergenerational poverty is more likely to be broken. Efforts in these various life domains can be found, for example, in the National Child Guarantee Plan.

- ii) *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.*

Acting in line with the European framework, the Netherlands pursue a generic policy to promote the equality, inclusion, and participation of children from particularly vulnerable groups, among which the Roma and Sinti for example.⁴ Where necessary, specific measures are implemented.

When it comes to promoting equality of opportunity: among other things by tightening the citizenship assignment in education, by creating a socially safe school climate, by promoting equal opportunities through the Equal Opportunities Alliance ('Gelijke kansen Alliantie') and the knowledge platform Equal Opportunities, Diversity and Inclusion ('Kennispunt Gelijke kansen, diversiteit en inclusie'), which is financed by the Dutch Ministry of Education, Culture and Science and the Dutch ministry of Social Affairs and Employment (OCW and SZW). The knowledge platform supports schools in promoting equal opportunities regarding internships and first jobs. Within the 'For an Inclusive Labour Market trajectory' ('Voor een Inclusieve Arbeidsmarkt'), the theme 'young people' focuses on study choice, career development, and combating internship discrimination. The aim is to work with the field to stimulate equal opportunities in the transition period from education to the labour market. In the longer term, we aim to ensure that sufficient attention is paid to combating discrimination and racism by adjusting core objectives and final terms.

When it comes to inclusive education: The aim of suitable education is to allow more children to enter education in their own place of residence. The 25 measures from the Appropriate Education Improvement Approach ('verbeteraanpak passend onderwijs'), presented in 2020, ensure that an increasing amount of children can participate in education. Parents and students join the discussion about how they are supported and the opportunities for gifted students will be increased. Supervision of cooperation between schools in the region has improved, as has the obligation to find a suitable place in the region for each pupil. The quality framework for school construction contains specifications to make schools accessible to people with disabilities and it contains a separate appendix for special education. In addition, efforts are

⁴ The term Roma and Sinti refers to: Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.

made to tighten up the approach to absenteeism in order to reduce the number of unnecessary home stayers to zero. The improvement of appropriate education is essential here, as is cooperation in the field of education and care and the possibility of digital distance learning. In 2021 the OWRS (Education for children from caravan dwellers, Roma and Sinti) subsidy has been renewed for a new term. In the new project term the support offer will be further differentiated in order to best reach schools and municipalities with effective measures, e.g. through hybrid meetings. OWRS still pays particular attention to early childhood education and care (ECEC), both in network meetings and in a manual that is being developed.

The subsidy scheme for primary schools also continues to be in force. The competent authority of a primary school that is attended before 1 December 2022 by 4 or more pupils with a cultural background of the Roma and Sinti, will receive on request special funding for staff and additional funding for material conservation. Schools may devote the subsidy as it fits the developmental needs of their population. Examples of expenditure are extra support by a teaching assistant, pre-teaching, materials for language instruction or to broaden their staff.

On 13 October 2021 the Dutch government has submitted a legislative proposal to strengthen the (legal) position of children in closed youth care (wetsvoorstel rechtspositie gesloten jeugdhulp). Various rights of children in closed care are explicitly included in this legislative proposal, including the right to appropriate education and daytime activities.

Finally, the government's goal is to create an inclusive society: equal access to opportunities and resources for people who might otherwise be excluded or marginalized. This also includes children with disabilities and children in care. Through the 'Zorg voor de jeugd' (care for youth) and Onbeperkt meedoen (participation without limits) programs, the Dutch government and their partners have aimed to provide resources for children to participate in society and have equal access to opportunities. For instance, by providing additional funds for children with a disability to attend school with the help of personal aides and by facilitating regional networks of professionals who can offer their expertise to create personalized care plans for children with complex needs. Having access to care is only part of true inclusion: it starts at the very basic need for children to be able to play and meet with each other. The Dutch government is therefore part of the SamenSpeelNetwerk (Playing together network) which promotes inclusive play and aims to realise inclusive play areas where every child can play. The 'Zorg voor de jeugd' (care for youth) program has ended in 2022. At this moment the Dutch government is working on a follow-up for this program to further improve care for the most vulnerable children.

iii) States should also make clear the extent to which child participation is ensured in work directed towards combatting child poverty and social exclusion.

In accordance with Article 12 of the UN Convention on the Rights of the Child, children should also have a voice in shaping policy about child poverty and social inclusion. The government conducts dialogues with children. Sometimes these conversations take place within a broader framework of children's rights, sometimes specifically on the theme of poverty. The government also encourages municipalities to involve children in shaping their local child poverty policy. Municipalities have a key role in combatting child poverty.

c) Please provide information on any measures adopted to protect and assist children in crisis situations and emergencies.

Agreements have been made between the police, Veilig Thuis ('Safe at Home') and social services on how to protect and support children in crisis situations and emergencies. The main goal is to provide immediate safety for children. Options for working on long-term safety include offering support to the family or specialised mental healthcare support help to the

child and parents.

- d) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

NON-CONFORMITY

► *Article 17§1 – Right of children and young persons to social, legal and economic protection - Assistance, education and training*
Minors may be given an adult criminal law sentence and thus placed in adult detention facilities.

The Netherlands has a separate juvenile criminal law system with separate sentences and separate facilities in which those sentences are served.

Young people under the age of 18 who commit an offence are tried under juvenile criminal (procedural) law. Although the general rule for those aged 16 and 17 is that juvenile criminal law is applied, the court may decide under article 77b of the Criminal Code to try them under general adult criminal law. In making this decision the court considers the offender's character, the nature and severity of the offence, and the circumstances under which it was committed. Conversely, under article 77c of the Criminal Code, the court can sentence young adults aged between 18 and 23 under juvenile criminal law, taking into account the offender's character or the circumstances in which the offence was committed. Before the entry into force of the 'adolescent criminal code' on 1 April 2014, this was possible only for young adults aged between 18 and 20.

If a 16 or 17 year-old is tried as an adult under general criminal law, they may be placed in an institution for adult offenders after conviction. The court takes this into account when deciding whether to apply adult criminal law. A 2006 study by the Research and Documentation Centre (Wetenschappelijk Onderzoek- en Documentatiecentrum; WODC) revealed that Dutch courts were cautious about trying young offenders aged 16 and 17 under adult criminal law. It should be noted that since the introduction of adolescent criminal law, the application of juvenile criminal law to young adults (art. 77c, Criminal Code) increased 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 (art. 77b, Criminal Code) is very rare, but an adequate estimate of the figure is not available. A study on the application of adolescent criminal law is being carried out and expected to be completed in 2022.

2. to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools.

- a) *What measures have been taken to introduce anti-bullying policies in schools, i.e. measures relating to awareness raising, prevention and intervention? (General question, Conclusions 2019).*

The law 'security in schools [veiligheid op school]' obligates primary and secondary schools to establish and execute security policies within the school. These policies must include actions to identify (e.g. via a yearly security monitor), prevent, and respond to bullying behavior. Schools are required to have a designated point of contact where pupils and parents can report bullying. The Inspection of Education supervises schools and intervenes when necessary. Additionally,

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 (for example via pestweb.nl).

- b) 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)? (General question, Conclusions 2019).*

Child participation (related to education) at government level:

LAKS (Landelijk Actie Komitee Scholieren – National Action Committee Pupils) is a government-funded and pupil-run association that represent the rights and interests of all pupils in secondary education in the Netherlands. The LAKS pupil board is a sparring partners for the Ministry of Education, Culture and Science. As a result, there is frequent contact between the pupil board and the Minister and policy officers of the Ministry: for example, the chairperson and other members of the board are often invited to contribute ideas and give their opinion on new policies. The board also gives solicited and unsolicited advice to the Ministry on all kinds of subjects.

As part of their activities, LAKS sends out a yearly satisfaction survey to all pupils in the country. The monitor provides schools, student councils on school level, and the ministry with valuable information about strengths and weaknesses in our secondary education system. The survey is used as guidance to improve the quality of secondary education.

Child participation in Dutch secondary education:

In many cases, the school board and the school leader have to present or submit their plans to the schools participation council (in Dutch: medezeggenschapsraad). Pupils participate in this council (as do parents and school employees). This is enshrined in a national law (in Dutch: Wet medezeggenschap op scholen). Depending on the nature of the plans, pupils have the right to advise the school board and even have the right to assent/consent. There's a broad range of subjects the council and the pupils in the council have to advise on or assent. Some of those subjects concern decision-making and activities related to education (for example: only the pupils and parents in the council have the right to assent/consent/approve the plans concerning facilities for the pupils in the school). All those rights are enshrined in a national law.

- c) What measures have been 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)?*

In The Netherlands, the Ministry of Education has introduced a National Programme Education to combat Covid-19 related educational delays. The core of this programme consists of providing schools with additional budgets which they can spend on implementing evidence-based interventions. The total budget amounts to €8.5 billion for a 2.5 year period for all types of education (preschool – university). Primary and secondary schools receive at least €700 per student per year; depending on the social-ethnic backgrounds of their students, schools may receive more. Schools are required to spend the money on evidence-based interventions. The Ministry has developed a menu card with interventions that schools can choose from, based on work from the Teaching and Learning Toolkit developed by the English Education Endowment Foundation.

- d) Please provide information on the measures taken to ensure that state allocation of resources to private education does not negatively impact on the right of all children to access free, quality public education (based on a Statement of Interpretation from*

Conclusions 2019).

Access to government funded education, both public or privately run education, is free for all Dutch students. Both public and private education are equally funded, and the same legislation applies. The state allocation of resources to private education does therefore not negatively impact the right of all children to access free, quality public education. The Inspectorate of Education assesses the quality of education at the schools. Parents can also enroll their children in privately funded schools. These schools are not funded by the government, but the quality of these schools is also assessed by the Inspectorate.

- e) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Questions Conclusions 2015:

The Committee asks whether unlawfully present children have a right to education.

Children aged 5 to 17 must attend school under the Compulsory Education Act. This includes unaccompanied minor asylum seekers and failed minor asylum seekers. The right to education and compulsory education are independent of residence status. This means that children who do not have legal residence in the Netherlands are also entitled to education. A child who starts an education course before reaching the age of 18 may complete it, unless their return can be effected before the course is completed.

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

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

1. to maintain or to satisfy themselves that there are maintained adequate and free services to assist such workers, particularly in obtaining accurate information, and to take all appropriate steps, so far as national laws and regulations permit, against misleading propaganda relating to emigration and immigration;

2. to adopt appropriate measures within their own jurisdiction to facilitate the departure, journey and reception of such workers and their families, and to provide, within their own jurisdiction, appropriate services for health, medical attention and good hygienic conditions during the journey;

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

No information required. However, if the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

NON-CONFORMITY

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

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.

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.

There does exist an independent judicial body where problems around renting of houses can be brought before. The Rent Tribunal is an impartial organisation 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.

Article 19§6 – Right of migrant workers and their families to protection and assistance – Family reunion –

The minimum age of 21 for spouses to be eligible for reunification is an undue restriction on family reunion;

This could pertain to the family members of two categories of migrant workers:

- Third Country Nationals: Directive 2003/86 is applicable. Article 4(5) of the Directive states that Member States may require the sponsor and his/her spouse to be of a minimum age, and of a maximum age of 21 years, before the spouse is able to join him/her, in order to ensure better integration and to prevent forced marriages. The minimum age of 21 for spouses to be eligible for reunification is therefore not an undue restriction on family reunion. 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.
- Citizens of the European Union: Directive 2004/38 is applicable, the minimum age does not apply to this category.

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.

This could pertain to the family members of two categories of migrant workers:

- Third Country Nationals: Directive 2003/86 is applicable, in which articles 17 and 18 are especially relevant. These articles state the factors that must be taken into account when inter alia deciding on expulsion. Given the fact that these factors are to be taken into account before deciding on expulsion, family members are not expelled automatically.
- Citizens of the European Union: Directive 2004/38 is applicable, from which the family member could have a derived right of residence. If the family member lost this derived right of residence (meaning the exceptions in article 12 and 13 of Directive 2004/38 did not apply), the highest administrative court in the Netherlands has ruled that before expulsion is possible, the individual circumstances of the case need to be examined (ECLI:NL:RVS:2018:3584 & ECLI:NL:RVS:2018:3585). In this examination, 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. Given this obligatory balancing of interests, family members are not expelled automatically

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

The grounds of non-conformity under Articles 19§4, 19§6 and 19§11 apply also to self-employed migrants.

For the self-employed and their family members, the same answer holds as was given for 19§6.

Article 19§11 – Right of migrant workers and their families to protection and assistance – Teaching language of host state

The charges for language courses are likely to hinder the integration of migrant workers and their families.

There are several ways one can learn Dutch. Citizens coming from countries within the EU, can take a language course at a Regional Training Centre (ROC) that offer Dutch courses. The course Dutch for beginners is a good place to start learning business Dutch. Libraries and language centres also often provide opportunities to practise speaking Dutch.

One can also decide to attend a private language school. This is where one can learn Dutch as a second language (Nt2). Taalzoeker can be used to find a language centre in their area of residence. If people prefer to learn Dutch at home, they can visit Oefenen.nl (available in several languages) or NT2taalmenu.nl to find out how they can learn Dutch. These online lessons are free.

Can the municipality help one learn Dutch?

Yes, sometimes the municipality will be able to help, for instance, by putting people in touch with a voluntary language coach. These coaches are referred to as 'taalmaatjes' or language buddies. Many municipalities run projects with language buddies. The website Hetbeginmettaal.nl or Taalzoeker.nl can be consulted to for this topic.

1) Subsidy scheme 'Tel mee met Taal' for employers

- Within the "Count on Skills" ('Tel mee met Taal') programme, the Ministries of Education, Culture and Science; Social Affairs and Employment; Health, Welfare and Sport; and Interior Affairs and Kingdom Relations 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 with 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.
- Employer can apply for a subsidy for training that leads to better language skills, numeracy skills, and/or better digital skills of the employees.
- It does not matter whether the native language of the employee is Dutch or whether they are a (labour) migrant.

2) WEB instruments municipalities

- Through the Education and Vocational Education Act ('Wet Educatie en Beroepsonderwijs' (WEB)), municipalities receive an annual budget for adult education and to address to low literacy. Municipalities can use this to offer language training, math courses, and digital skills courses to adults. From 2023

onwards, the government will allocate an extra 15 million euros to municipalities to improve basic skills. The total WEB budget for municipalities thus amounts to approximately 80 million euros per year.

- Municipalities determine how they use the WEB resources themselves and therefore also determine whether or not they use these resources for labour migrants who are not subject to integration requirements.
- Labour migrants have access to language training under the WEB if they are registered in the BRP. Without registration they have access to informal language activities.
- Employers have the option to refer to available language training in the municipality; this can also concern informal forms of language training.

Questions Conclusions 2015

Article 19§1

The Committee notes that new national legislation in respect of preventing and combatting the exploitation of migrant workers is being prepared. The Committee asks for updated information on any changes to the legal framework concerning migrant workers to be provided in the next report.

Set up a mandatory certification system for existing and new lenders. Within such a system, lending companies can be banned from the market if they abuse the vulnerable position of migrant workers, for example by underpaying them or providing them with poor accommodation. This system must come into effect on 01-01-2025.

Amendments to the Personal Records Database Act ('Wet Basisregistratie Personen (BRP)') and the BRP Decree. These came into effect in 2022. Since October last year, after adjustments to the system, it has been possible to register a temporary residence address and contact details in the BRP when registering as a non-resident. The temporary residence addresses and contact details can be used from 2023 onwards to gain insight into the residence of labour migrants in the Netherlands and to contact them and other persons staying in the Netherlands for a short time, in order to promote timely registration as residents, among other things.

The Good Landlord Act. In June 2022, the Good Landlord Bill was submitted to the House of Representatives. This bill introduces a national basic standard for good landlordship in the shape of 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 will also be given the power to introduce a permit requirement for renting accommodation to migrant workers. The House of Representatives will discuss this bill shortly.

The Double Reporting Obligation for Occupational Accidents Act. This act is currently being prepared. One in four registered victims of an occupational accident is a temporary worker or a self-employed person. The Booster Team has therefore recommended that if a posted worker is involved in a reportable occupational accident at a hirer, both the hirer and the lender are obliged to report this accident to the supervisory body (usually the Labour Authority). In addition, the lender will have to ensure that the workplace is (once again) safe and healthy for

work before making workers available. This applies when the worker is made available (pre-verification) and after an accident at work (post-verification). The aim is for the law to enter into force at the beginning of 2025.

The modernisation of Article 273f of the Criminal Code. The criminalisation of human trafficking under Article 273f of the Penal Code is currently being modernised on the basis of the coalition agreement. The aim is to make the criminal law approach to human trafficking – including labour exploitation and to serious disadvantage – more effective, thereby improving the prosecution of perpetrators and the protection of victims. This is done by making the criminal law article more accessible and by broadening criminal liability for serious abuses in labour situations. The intention is to publish the bill for internet consultation before the end of this year.

Article 19§1

The Committee asks for a full and up-to-date description of the measures taken in law and in practice to provide such information and assistance services to immigrants and emigrants.

There are various initiatives to ensure information and assistance to immigrants and emigrants:

- www.workinnl.nl. This website explains rights and obligations, what one needs to arrange and what agreements need to be made. The information will help immigrants and emigrants to live and work in the Netherlands in a matter that is healthy, safe, and fair. The website also provides links to the correct organisations to help with any questions.
- An important part of this website is the telephone link with the NGO FairWork, which offers advice to immigrants and emigrants in their mother tongue.
- On the basis of this website various public information campaigns are performed to ensure that information reaches the target audience.
- [The Netherlands welcomes international recruits - Welcome to NL \(welcome-to-nl.nl\)](http://welcome-to-nl.nl). The Talent Coalition has launched a platform aimed at showcasing the Netherlands to international talent. It is an essential resource for anyone considering an international career and an excellent way to explore the opportunities in the Netherlands. It is filled with information on industries and company culture, schools and family life, arranging healthcare and housing, and all other aspects of daily life. Highly skilled migrants can learn about the thriving business climate, the industry-leading innovation, and the inclusive culture that can be enjoyed in the Netherlands. It answers their questions to help make an informed decision about relocation.

Expat Centers in the Netherlands help internationals to get settled smoothly and feel at home. Whether they have moved themselves or their entire family to the Netherlands, international workers help Dutch companies become successful. With that in mind, they want to help migrants to work out the details and formalities of officially establishing themselves in the Netherlands so they can enjoy exploring the new country they call home.

Article 19§3 - Deferral

The Committee requests that this be rectified with 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.

Relevant organisations in the Netherlands - Work in NL

Below is a list of public and private organisations that can be of assistance to migrant workers for a wide range of topics.

General organisations and useful information:

- **UWV** ([NL](#)),([EN](#)),([PL](#)),([RO](#)),([BG](#)),([ES](#)): This social security organisation in the Netherlands can help migrant workers who become unemployed, ill or unable to work in the Netherlands.
- **FairWork** ([NL](#)),([EN](#)),([PL](#)),([RO](#)),([BG](#)),([ES](#)): This organisation helps workers from abroad who have to work under poor conditions in the Netherlands.
- **New to the Netherlands** ([NL](#), [EN](#), [PL](#), [RO](#), [BG](#), [ES](#)): This brochure from the Dutch government tells migrants what they should do when they are new to the Netherlands and come from the European Union.
- **RNI offices** ([NL](#)),([EN](#)): These are offices at 19 municipalities in the Netherlands for the Registration of Non-residents (RNI). Migrants should register here if there are staying in the Netherlands for less than 4 months.
- **Netherlands Labour Authority** ([NL](#)),([EN](#)): In the Netherlands, the Netherlands Labour Authority monitors whether companies are complying with the rules and regulations for working healthily and safely. One can lodge any complaints here as well.
- **The Belastingdienst** ([NL](#)),([EN](#)): This organisation collects taxes and premiums in the Netherlands and pays out allowances.
- **Digi-D** ([NL](#)),([EN](#)): This is a digital signature that is used in the Netherlands for matters that need to be arranged through the internet. It is a secure method of proving one's identity.
- **Grensinfopunt** ([NL](#)): The Border Information Points along the Dutch-German-Belgian border provide tailor-made advice when it comes to living, working or studying in the neighbouring country. If a migrants lives or works in the Netherlands and lives and/or works in a neighbouring country, the Border Information Points can provide information.

About housing

- **The Dutch government (Rijksoverheid)** ([NL](#)),([EN](#)): The Dutch government encourages the provision of good, affordable housing (temporary or permanent) for workers from Eastern, Central and Southern Europe during their stay.
- **SNF standard** ([NL](#)),([EN](#)),([PL](#)): This standard sets out the minimum requirements for accommodation. It is applicable if the rent is deducted from the minimum wage of the worker.
- **AKF standard** ([NL](#)): This standard, for the agricultural sector, sets out the minimum requirements for accommodation. It is applicable if the rent is deducted from the minimum wage.
- **Expertisecentrum Flexwonen** ([NL](#)): Among other things, this centre helps workers from Eastern, Central, and Southern Europe to find local information points.
- **EURES** ([NE](#)),([EN](#)),([PL](#)),([RO](#)),([BG](#)),([ES](#)): This organisation can help people to find a new job. It is similar to an employment agency.

About healthcare

- **The Zorgverzekeringslijn** ([NL](#)),([EN](#)),([PL](#)),([ES](#)): This organisation gives tips on taking out health insurance in the Netherlands.
- **The Poliswijzer** ([NL](#)): This website helps to compare health insurance policies.

About work

- **Arboportaal** ([NL](#)): This website provides all the information about working healthily and safely in the Netherlands as well on the rights and obligations in the work place.
- **FNV** ([NL](#), [EN](#), [PL](#), [RO](#), [BG](#), [ES](#)): This organisation stands up for the interests of employees in the area of work and income.

- **Project Agro FNV** ([NL](#), [EN](#), [PL](#), [RO](#), [BG](#), [ES](#)): Within specific sectors, the Dutch labour union FNV can find out whether people are getting the correct hourly wage and the correct allowances. If one work on the land or in a greenhouse, they are also entitled to good working conditions.

About dismissal

- **The Dutch government (Rijksoverheid)** ([NL](#)): The Dutch government informs employees on valid reasons for dismissal and on their rights and obligations if they are dismissed.
- **UWV** ([NL](#)),([EN](#), [PL](#), [RO](#), [BG](#), [ES](#)): This social security organisation in the Netherlands can help people look for a new job.
- **EURES** ([NE](#)),([EN](#)),([PL](#)),([RO](#)),([BG](#)),([ES](#)): This organisation can help migrants to find a new job, just as the employment agency of the migrant.

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

Excerpts from the ECSR's case law

The need to reconcile family life with teleworking from home, home-schooling of children and childcare during the Covid-19 pandemic combined with the stresses of potential Covid-19 health concerns, has led to serious pressures and challenges for many families, frequently with a disproportionate impact on women.

Faced with this situation, States Parties must take all necessary measures to apply and reinforce inter alia Article 27 notably through non-discrimination of workers with family responsibilities, childcare provision and the granting of parental leave arrangements).

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

1. to take appropriate measures:

- a) to enable workers with family responsibilities to enter and remain in employment, as well as to re-enter employment after an absence due to those responsibilities, including measures in the field of vocational guidance and training;**
- b) to take account of their needs in terms of conditions of employment and social security;**
- c) to develop or promote services, public or private, in particular child day care services and other childcare arrangements;**

a) Please provide information on whether the Covid-19 crisis had an impact in particular on the possibilities for and the consequences of remote work on the right of workers with family responsibilities to equal opportunities and treatment.

We have no up-to-date information available.

b) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

2. to provide a possibility for either parent to obtain, during a period after maternity leave, parental leave to take care of a child, the duration and conditions of which should be determined by national legislation, collective agreements or practice;

a) Please provide information on whether the Covid-19 crisis had an impact on the right to parental leave.

The COVID-19 crisis did not lead to any changes in the right to take parental leave. Employees may have taken parental leave during the period when schools or day-care centres were closed, although it is not known to what extent this took place. The government

did not have any role to play in the taking of parental leave; in fact, the right to for paid parental leave benefit did not enter into effect until 2 August 2022. It may be noted that the Work and Care Act stipulates that the employer may not disadvantage the employee on the grounds that that employee has, either at law or otherwise, invoked a right to leave as referred to in that Act, or has assisted others or lodged a complaint within the company in this connection.

If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.

3. to ensure that family responsibilities shall not, as such, constitute a valid reason for termination of employment.

- a) *Please 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.*

We have no up-to-date information available.

- b) *Please explain whether a ceiling on compensation for unlawful dismissals was applied on the ground of family responsibilities during the Covid-19 crisis.*

We have no up-to-date information available.

- c) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

Article 31 – The right to housing

Excerpts from the ECSR's case law

The rights guaranteed by Article 31 of the Charter, have become even more crucial to right-holders during the pandemic. The crisis has highlighted the importance of the requirements of Article 31§1, notably that dwellings must be safe from a sanitary and health point of view (i.e. have all basic amenities, such as water, heating, waste disposal, sanitation facilities, electricity), and that they must not be overcrowded (i.e. the size of dwellings must be suitable in light of the number of persons and the composition of the household). These requirements are essential to prevention of, and protecting from, transmission of virus.

The ECSR notes that many States Parties have taken ad hoc measures to address homelessness providing emergency housing as required by Article 31§2 of the Charter and, in some cases, imposing moratoria on evictions. In this last respect, the ECSR recalls the key tenets of its interpretation of Article 31§2 of the Charter:

Evictions should be governed by rules of procedure sufficiently protective of the rights of the persons concerned and should be carried out according to these rules.

When evictions do take place, they must be carried out under conditions which respect the dignity of the persons concerned. Domestic law must prohibit evictions carried out at night or during the winter period. Domestic law must also provide for legal remedies and offer legal aid to those wishing to seek redress from the courts.

However, the COVID-related measures taken by States Parties to tackle homelessness have not always adequately reached or applied to all persons and families in need and they have generally been time-limited. The ECSR considers therefore that during a pandemic all evictions must be prohibited, except in the most exceptional and duly justified cases. If evictions must exceptionally be carried out, adequate alternative accommodation must be provided instantly.

The right to shelter should be adequately guaranteed for migrants, including unaccompanied migrant children, and asylum-seekers. States Parties are required to provide adequate shelter to children irregularly present in their territory for as long as they are within their jurisdiction.

The exceptional nature of the situation resulting from an increasing influx of migrants and refugees and the difficulties for a State in managing the situation at its borders cannot absolve that State of its obligations under Article 31§2 of the Charter to provide shelter to migrant and refugee children, in view of their specific needs and extreme vulnerability, or otherwise limit or dilute its responsibility under the Charter.

With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed:

1. to promote access to housing of an adequate standard

- a) *Please provide full, up-to-date information on the percentage of the population living in inadequate housing including overcrowded housing, and the practical measures taken to improve the situation.*

At 4.3%, the rate of housing overcrowding is relatively low in the Netherlands in comparison to most OECD countries. No specific measures are in place at national government level. However, municipalities and housing associations tend to relocate larger vulnerable households to larger social housing dwellings.

OECD (2022), Housing overcrowding (indicator). doi: 10.1787/96953cb4-en (Accessed on 23 September 2022)

- b) Please provide relevant and updated figures relating to the adequacy of housing (e.g. number of substandard dwellings; overcrowding, water, heating, sanitary facilities, electricity).*

Most housing meets the standards for water, heating, sanitary facilities and electricity. Energy performance of existing homes is currently the most important issue, with approximately 10% of the housing stock holding an energy performance certificate E, F or G. Owner-occupiers can apply for a Sustainable Energy and Energy Savings Investment Grant (Investeringssubsidie duurzame energie en energiebesparing; ISDE). A national agreement was recently concluded with housing associations to improve the energy standard of all homes with certificate E and lower before 2030. New legislation is being prepared to also facilitate the energy transition in the private rental sector.

- c) Please provide information on the measures taken, in particular also during the Covid-19 crisis, to ensure adequate housing for vulnerable groups, including refugees, asylum seekers, Roma and Travellers.*

Under the Housing Allocation Act 2014 (Huisvestingswet 2014), municipalities have various tools at their disposal to ensure adequate housing for vulnerable groups. Examples of these tools are the possibility to introduce rules on the allocation of certain categories of housing and the possibility to give priority to certain vulnerable groups.

In addition, the national government presented the policy programme 'Een thuis voor iedereen' ('A home for everyone') in May 2022 (<https://open.overheid.nl/repository/ronl-dfe59a4dce3367cfe84d95284838a8b69af70d4d/1/pdf/programma-een-thuis-voor-iedereen.pdf>). This policy programme contains additional measures to ensure adequate housing for vulnerable groups. One of these measures is that municipalities will be obliged to allocate certain categories of housing with priority to certain vulnerable groups. Currently municipalities only have the opportunity to do so.

- d) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to all questions raised.*

NON-CONFORMITY

► Article 31§1 - Right to housing – Adequate housing

There is an insufficient number of halting sites for non-sedentary populations and the living conditions on such sites is poor.

Since the previous report, a support programme has been launched for Travellers, for municipal authorities that want to strengthen their policy on halting sites. The number of

halting sites is monitored every two years. Furthermore, Travellers form one of the focus groups from the 'A home for everyone programme' referred to under 1c, and municipalities can use the subsidy scheme for focus groups for the construction of mobile homes.

2. to prevent and reduce homelessness with a view to its gradual elimination;

- a) *Please provide information on measures and actions, undertaken, in particular also during the Covid-19 crisis, to prevent categories of vulnerable people from becoming homeless.*

Several measures were taken during the COVID-19 crisis to prevent homelessness. First, the government declared a halt to evictions. In addition, the Ministry of Health, Welfare and Sport issued guidelines during the crisis on the provision of accommodation for homeless people, which – depending on the existing measures at the time – called for the provision of accommodation to all who needed it, including those who were not normally entitled to it. For all guidelines, see: <https://www.rijksoverheid.nl/documenten/richtlijnen/2020/11/05/richtlijn-opvang-dak--en-thuisloze-mensen>

- b) *Please provide information whether the Covid-19 crisis had an impact on the prevention of homelessness. In particular address whether measures been taken:*
- i) *to provide safe accommodation for persons in situation of homelessness. If so, how many persons were housed, in what form, where and for how long?*

See the above guidelines for the national measures that were taken. No national figures are available for the number of people who were given accommodation during the COVID-19 crisis, over and above the normal figures. Under the 2015 Social Support Act, regional authorities for shelters in the Netherlands are responsible for the accommodation of homeless people. It is estimated that several hundred additional people were given shelter during the periods of lockdown.

<https://www.rijksoverheid.nl/documenten/richtlijnen/2020/11/05/richtlijn-opvang-dak--en-thuisloze-mensen>

- ii) *to ensure that persons provided with temporary accommodation will have access to housing after the crisis.*

The above guidelines called on municipal authorities to make a plan for the post-shelter period with everyone who stayed in the temporary accommodation.

- c) *Please provide:*
- i) *information on measures in place to reduce the number of homeless (e.g., measures aiming at raising the employment rate, increasing the stock of social and non-profit housing, allocating social benefits to those in urgent needs, developing social security programmes and supporting NGOs' activities) and*
- ii) *figures on the overall number/rate of homeless persons.*

In December 2022 the Ministry of Health, Welfare and Sport is launching a long-term plan for

tackling homelessness (2023 – 2030). This plan is based on two pillars: the prevention of homelessness and 'housing first'. The current government has made €65 million structurally available for this plan, over and above the regular budget of €385 million. As far as homebuilding is concerned, the Ministry of the Interior has undertaken to build 900,000 dwellings up to the end of 2030, 250,000 of which will be in the social housing rental sector. Some of the funds to achieve this will come from the Homebuilding Incentive Scheme (€1,250 million in total). According to Statistics Netherlands (CBS), the number of homeless people has fallen in recent years: from over 39,000 in 2018 to 36,000 in 2020 and then to 32,000 in 2021.

d) *Has your country declared a moratorium/prohibition on evictions during the pandemic?*

i) *If so, indicate its legal basis and how long it will last.*

Evictions in the rental housing sector were temporarily halted during the pandemic. A statutory moratorium was not introduced. For a period of a few weeks in early 2020, the courts were unable to settle on eviction cases due to the coronavirus measures. The Minister of Internal Affairs, the Association of Netherlands Municipalities (Vereniging van Nederlandse Gemeenten; VNG), the Umbrella Organisation of Housing Associations (AEDES, and other housing providers (Kences, IVBN, Vastgoed Belang) agreed on action to ensure tenants were able to cope with the situation financially, for example by advising social housing providers to offer temporary rent freezes, rent reductions or relocations. For more information, see the following press releases (in Dutch):

- [Evictions banned and temporary rental contracts extended | News item | Home | Volkshuisvesting Nederland](#)
- [New agreements with landlords about tailored solutions | News item | Rijksoverheid.nl](#)
- [Joint statement on tailored solutions to avoid evictions during COVID-19 crisis | Press statement | Rijksoverheid.nl](#)

This agreement was extended twice, and applied until after the COVID-19 pandemic. In the meantime, the amended Municipal Debt Assistance Act (Wet Gemeentelijke Schuldhulpverlening) took effect on 1 January 2021. Pursuant to this law, all housing providers have a role to play in the early identification of financial problems. Housing providers are obliged to inform municipalities about rent arrears, with municipalities in turn obliged to offer help to households facing financial difficulties. The amended act puts an ongoing post-pandemic restraint on eviction on the grounds of rent arrears. In 2019 5,000 eviction orders were enforced, in 2020 and 2021 this figure dropped to 3,100 (Source: Dutch bailiffs' organisation KBVG via Statistics Netherlands).

ii) *Please specify if it is a general prohibition. Is the prohibition of evictions restricted to tenants or mortgage payers who have been unable to pay their rent or serve their mortgages, or broader?*

There was no general prohibition of evictions, but a voluntarily agreement was concluded by the parties mentioned above. Eviction orders based on severe nuisance behaviour by tenants or illegal activities were excluded from the scope of the agreement.

Measures were also introduced to protect mortgage payers. The Minister of Internal Affairs made agreements with mortgage providers to temporarily postpone foreclosure sales. In a voluntary agreement the mortgage providers stated that they would address payment problems in consultation with their customers. The Ministry of Finance also amended tax legislation in order to encourage banks to offer mortgage payment holidays. This legislation made it possible for 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. Mortgage providers have however maintained their commitment to resolving payment problems together with their customers.

- iii) *If no general prohibition on evictions was declared, please provide information on procedures in place to limit the risk of evictions and to ensure that when these do take place, they are carried out under conditions which respect the dignity of the persons concerned.*

See above

- iv) *Have any measures been taken to ensure that households are not cut-off from water, heat or other utility provision when they are unable to pay their bills? Please provide figures on the number of evictions carried out (tenant evictions, evictions from illegal camps or shanty towns, including those affecting camps in which Roma or Travellers are installed) and the cases brought for lack of alternative accommodation offered or compensation awarded.*

Cutting off households from drinking water and energy is permitted by law only in exceptional situations. The regulations prescribe a procedure for suppliers aimed at preventing cut-offs, including contacting clients personally and pointing them to municipal social provisions if necessary. Suppliers and municipalities have concluded voluntary agreements on preventing cut-offs and providing access to social provisions.

The number of eviction notices fell from 13,100 in 2019, to 9,300 in 2020 and 7,700 in 2021. The number of evictions actually carried out fell from 5,000 in 2019 to 3,100 in 2020 and 2021 (source: Dutch bailiffs' organisation KBVG).

- e) *Please provide any information about:*

- i) *legal or financial measures taken aimed to ensure that households do not lose their home if they cannot pay their rent or mortgage payments and*
- ii) *other tenant protection measures that have been adopted in response to the pandemic.*

See above

- f) *Please provide any other information on whether the Covid-19 crisis had an impact on the right to shelter.*

The COVID-19 crisis did not have an impact on the right to shelter.

- g) *Please explain whether emergency accommodation satisfied security requirements and health and hygiene standards and whether it was provided without the requirement for a residence permit and whether the applicable regulations provided for a prohibition on forced eviction. Does your country have sufficient quarantine facilities in place so that inadequate housing, such as overcrowding, does not increase the risk of infection?*

We have no up-to-date information available.

- h) *Please provide detailed information:*

- i) *on how the right to shelter of unaccompanied foreign minors is guaranteed in law and in practice and*

- ii) whether adequate shelter is guaranteed to children irregularly present for as long as they are within the jurisdiction.*

We have no up-to-date information available.

- i) If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*

NON-CONFORMITY

Article 31§2 - Right to housing - Reduction of homelessness –

- The minimum notice period before eviction of two weeks is too short;*
- The law does not prohibit eviction from emergency accommodation/shelters without the provision of alternative accommodation.*

In December 2022 the Ministry of Health, Welfare and Sport is launching a long-term plan for tackling homelessness (2023 – 2030). This plan is based on two pillars: the prevention of homelessness and ‘housing first’. The current government has made €65 million structurally available for this plan, over and above the regular budget of €385 million. As far as homebuilding is concerned, the Ministry of the Interior has undertaken to build 900,000 dwellings up to the end of 2030, 250,000 of which will be in the social housing rental sector. Some of the funds to achieve this will come from the Homebuilding Incentive Scheme (€1,250 million in total). According to Statistics Netherlands (CBS), the number of homeless people has fallen in recent years: from over 39,000 in 2018 to 36,000 in 2020 and then to 32,000 in 2021.

3. to make the price of housing accessible to those without adequate resources.

- a) Please provide information on measures taken to ensure that there is an adequate supply of affordable housing (e.g. through regulation of the property market).

Approximately 75% of the three million rental homes in the Netherlands are owned by housing associations. Housing associations are required by law to operate on commercial basis, but are required to use their profits to alleviate the general housing shortage, i.e to invest in housing those who are unable to find decent housing themselves. Housing associations are able to operate in a very flexible way. Several instruments exist to ensure an adequate supply of affordable housing:

- A central government programme was recently launched, aimed at building 900,000 new homes by 2030, two-thirds of which will be affordable (social housing, affordable rental housing and owner-occupied homes). This programme includes a homebuilding incentive scheme (Woningbouwimpuls; WBI).
- The government has determined that 30% of the total housing supply in each municipality must be made available for social housing to accommodate people on lower incomes and people with care needs. Regional Housing Deals with municipalities, provincial authorities and the national government will ensure that this requirement is met.

- In July 2022 the government, national interest groups for municipalities, housing associations and renters signed national agreements (Nationale Prestatieafspraken) containing commitments about the availability, durability and affordability of the social housing supply. The extent to which these commitments are implemented will be closely monitored over the following years.
- Local authorities offer government-owned land to housing associations at considerable discounts to ensure a better business case for affordable housing.
- Housing associations have access to the Social Housing Guarantee Fund (Waarborgfonds Sociale Woningbouw; WSW). This not-for-profit foundation guarantees loans to Dutch social housing associations and fulfils a vital public policy role for the government by keeping the funding costs of social housing associations low.
- Although the participating housing associations and WSW are self-owned organisations, the state has demonstrated its integral link with these entities through the backstop agreement that gives WSW unlimited access to state funding if necessary.
- The Housing Allocation Act provides for municipalities to formulate additional rules about housing and land use. For example, under local regulations developers can be required to include a percentage of social housing in their developments.
- Strict rent controls for social housing and a *€3.5 billion housing benefit programme help make housing more affordable.*

b) *Please provide information whether and to what extent the Covid-19 crisis had an impact on adequate supply of affordable housing for persons with limited resources.*

There are no indications that the COVID-19 crisis had an impact on the supply or construction of affordable housing. The following instruments were implemented:

- During the COVID-19 crisis, payment of the levy on landlords (verhuurderheffing) was reduced to stimulate further building.
- The national government and national interest groups for housing associations, institutional property investors and renters agreed that no evictions would take place during the pandemic.

During the COVID-19 crisis, the national government made it possible to extend temporary rental contracts that would otherwise have ended.

c) *With regard to social housing, please provide:*

i) *information on the number of applications for social housing introduced, granted and refused, as well as the main reasons for refusals;*

Housing associations annually allocate social housing to approx. 180,000 households that meet the income criteria.

ii) *data on the average waiting time for the attribution of social housing. In this context, also explain whether judicial or other remedies were available in case of excessive waiting periods for the allocation of social housing;*

Long waiting times are partly due to waiting time being a criterion – people register as soon as possible in order to build up as much waiting time as possible. Waiting time is therefore most probably not a reliable indicator, particularly as the criteria vary between regional housing allocation boards.

According to the WoON2021 survey, the current average active waiting time is 27 months, with some regional variation.

iii) information concerning remedies where there was a failure to provide social housing at an affordable price for the poorest people and in the event of an excessively long waiting time before being allocated housing.

There are no indications that there was a failure to provide social housing at an affordable price for the poorest people. This is because (i) housing associations are legally obliged to allocate housing to people on low incomes and (ii) under the Housing Allocation Act 2014 municipalities can also allocate specific types of homes to people on low incomes.

d) Please provide data concerning the housing benefits, whether in the framework of the housing benefit system or in the framework of social assistance (e.g., number and categories of beneficiaries, number of housing benefits requests granted, refused, appealed, impact of benefits on affordability of housing).

The information below is based on the housing benefit budget for the year 2020, as 95% of the budget for 2020 has already been paid and collected. In order to ensure the budget model gives a more accurate outcome, it distinguishes between four types of household.

Types of households:

Abbreviation	Definition
OPH	One-person household < 65 years old
MPH	Multi-person household < 65 years old
OPHE	One-person household > 65 years old
MPHE	Multi-person household > 65 years old

In the table below the following data is given for each of the four types of household:

- Number of households receiving housing benefit
- Average gross monthly rent
- Average housing benefit per month
- Average gross monthly income

Type of household	Number of households	Average gross monthly rent	Average housing benefit per month	Average gross monthly income
OPH	612.000	€535	€219	€1,470
MPH	413.000	€609	€255	€1,927
OPHE	332.000	€560	€239	€1,556
MPHE	142.000	€585	€228	€2,208

Source: Budget model 2020

e) Please provide information on the measures taken throughout the country in relation to access for Roma and travellers to social housing.

A support programme has been launched for municipal authorities that want to strengthen their halting site policy. The number of sites is monitored every two years.

- f) *If the previous conclusion was one of non-conformity, please explain whether and how the problem was remedied. If the previous conclusion was deferred or conformity pending receipt of information, please reply to the questions raised.*