

Introductory Statement Kingdom of the Netherlands

**Consideration of the Fourth and Fifth Periodic Report(s)
of the Kingdom of the Netherlands under the
Covenant on Economic, Social and Cultural Rights**

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Introductory statement on the occasion of the consideration of the combined fourth and fifth periodic report of the Kingdom of the Netherlands in pursuance of its obligations under the International Covenant on Economic, Social and Cultural Rights.

Geneva, 10 November 2010

Mr Chairman, distinguished members of the Committee, ladies and gentlemen.

It is an honour for me to introduce to you the delegation of the Kingdom of the Netherlands, with representatives of all countries of the Kingdom: the Netherlands, Aruba, Curaçao and Sint Maarten.

Just a month ago the Kingdom underwent a major constitutional reform since 1954 and 1986. As of October 10, 2010, the Netherlands Antilles, consisting of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba, ceased to exist. The reform is based on the results of referenda and on decisions taken by the respective islands about their future constitutional status.

In the new constitutional structure, Curaçao and Sint Maarten have obtained the status of countries and the islands of Bonaire, Sint Eustatius and Saba integrated as special entities within the Netherlands, according to their wishes.

Thus, as of October 10, 2010, the Kingdom consists of four countries: the Netherlands, Aruba, Curaçao and Sint Maarten.

Mr Chair allow me now to present the report of the Government of Aruba.

In view of the fact that the report under consideration covers a time period prior to the taking of office of the present government, I would like to briefly mention a number of developments that have taken place over the past year.

One of the first priorities of our new government has been to strengthen the position of the most vulnerable groups in our society. Due to a number of socio-economic factors, the real income of many families has dropped substantially in recent years. Especially the most vulnerable groups have felt the impact of the global economic crisis and the local repercussions that have had a multiplying negative impact on income and jobs, crime rate, healthcare and education.

While policies are being developed to address these issues, immediate action was also taken to alleviate the needs of the most vulnerable; monthly social assistance to households in need was increased with 25%; and households in need with school-aged children also receive an additional monthly payment per child to cover educational expenses.

For any new policy initiative to successfully take root and have long term

effects, an honest and open dialogue with all socio-economic partners

has to come first.

The Aruban government strongly believes in consensus building on key national issues and in June 2010 it invited all social partners across the public and private sector to commence a National Social Dialogue.

The aim of this dialogue is to address key national issues such as pension reform, healthcare, tax structure, and other public and private policies. The results have been positive so far and key decisions have already been made in a number of areas and will be implemented as of the first of January 2011.

The first Social Dialogue has set the tone for further discussion around long-standing issues that we seek to resolve through active participation of all social partners. The beginning of next month a second national dialogue will start. This round will focus areas related to justice and education.

Mr Chairman,

The government of Aruba has made a strong commitment to its people to work diligently to put the necessary measures in place to see progress in the key areas pertaining to economic and social rights. Real progress, in a sustainable way, causing as little harm as possible to our environment and ensuring the rights of all that live on our island.

Aruba is blessed with a geographic location in one of the world's regions with the highest potential for cost-effective use of solar and wind energy resources for energy generation and use. In cooperation with the private sector the Government has initiated the transition away from imported fossil fuel dependency and is in the process of implementing a whole range of sustainable energy technologies. The latest renewable energy technology introduced meets 18 percent of the islands current energy

demand. Within a year we aim to reach 40 percent of the current energy demand.

Aruba is also blessed with unique blend of people and cultures. Next year we will be commemorating the 25th anniversary of Aruba's separate status within the Kingdom of the Netherlands. A celebration in which many cultures and nations that live on our island will come together to celebrate what we have achieved in 25 years and to plan the road ahead together.

Distinguished members of the committee, compliance and protection of human rights is a continuous process in which we must overcome many obstacles on the road ahead. We hold the views and recommendations of your committee in high esteem in helping us on this road.

With your indulgence, Mr. Chair, I will now pass the word to the leader of the Netherlands delegation.

I am Lauris Beets, Director for International Affairs of the Ministry for Social Affairs and Employment. I would like to make some introductory remarks on the Netherlands part of the report.

Mr. Chairperson, The Netherlands government has decided to join the facultative protocol to the ESC-treaty regarding individual complaints. It was under the first signers of the protocol. The government is now preparing the implementation of the protocol.

I will now turn to some of the latest developments with regard to employment, social security, education and health care.

Employment

[Since the last report succeeding governments have been restructuring our labour market and social protection policies with the goal to make it more activating and thus keep the social protection system sustainable to the future.]

The current financial and economic crisis affected labour markets all over the World, also the Netherlands labour market. Fortunately the basis of the Netherlands labour market proved to be sustainable and sound.

Unemployment is risen from 4,5% in 2007 to 4,9% in 2010 . The Netherlands has at this moment the lowest unemployment in Europe. Still everyone should have access to the labour market, on the basis of equality and equal opportunities. A target we have not reached yet because at the same time, the employment rate among some groups – older people, young people, women and members of ethnic minorities – needs improving.

[As far as older people are concerned, the employment rate among over-55s dropped from 62.8% in 1970 to 37.6% in 1995. It has now risen again, to 46,8% (2009). In view of changing demographics, it is important for the rise to be sustained. The labour market will need all hands on deck in the years to come: young and old. Therefore The Netherlands is raising the pension age to 66 years and is investing in sustainable participation of employees. Employers are fiscally stimulated to hire older workers.]

[Young people have also been in the spotlight in the past few years. In 2006, unemployment among this group dropped for the first time in

several years. Due to the recession unemployment among young people has increased from 8,4% in 2008 to 11% last year. Youth employment efforts have increased for this reason. Nevertheless, it's still relatively low, especially in European and international perspective.]

A specific group I should like to focus on briefly is women. Women can make an important contribution to raising the employment rate. With decent childcare facilities, an attempt is being made to make it easier to combine work and care tasks, so that it pays to work outside the home. The employment rate among women was only 44% in 1995, but has increased to 59,5% in 2nd quarter 2010.

Finally, I would like to discuss the position of non-western ethnic minorities on the labour market. Discrimination is one of the causes of high levels of unemployment among this group. However, important reasons are to a large extent also age distribution and low levels of education. The government has launched various activities to improve ethnic minorities' prospects of work, and they have proved successful. The recession has unfortunately affected the employment of youngsters from non-ethnic western minorities. In the period 2005 till 2009 their employment rate has increased from 56% to 64%. Because of the recession an increase in their unemployment is visible, from 18% in the 2nd quarter of 2009 to 21% in the 2nd quarter of 2010.

As the economy recovers, employment among non-ethnic western minorities is expected to rise faster. The government's aim is for employment among non-western ethnic minorities and people of Dutch origin to rise at the same rate.

Social security

The Netherlands attaches great importance to a smoothly functioning activating social security system as a safety net for people who, for various reasons, are unable to generate their own income.

[To safeguard this system for the future, a number of reforms have been introduced. These reforms of the unemployment act, the social assistance act and the labour invalidity act have not been easy, but later on proven effective.]

In the past few years, the focus has shifted to participation in society and citizens' own responsibilities. Of importance now is not what people cannot do, but the opportunities that are still open to them. The basis is still there – people can still claim benefit if they need to, but they are expected to do their best to improve their situation. With a re-integration system, tougher assessment procedures and an active attitude on the part of employer and employee, people are kept in work as long as possible.

This has a two folded effect; we need a larger labour participation in order to be able to improve the financial situation of the state budget and in order to strengthen the economy.

Education

Let me now turn to the right to education. The Netherlands have the ambition to compete with the top 5 knowledge-based economies in the world. Education is of fundamental importance and the government will therefore stimulate the conditions to progress its quality. As the Covenant states, education should be 'directed to the full development of the human personality'. Improving basic skills in primary and secondary education is one of the top priorities of this government. It prepares

children for a life of gainful employment and it plays an important role in improving people's ability to support themselves.

[Education legislation enables children to undergo a continual process of development. This process of development should be linked to each child's individual development. So teaching should target children's emotional and intellectual growth, and not only impart knowledge, but also provide them with social, cultural and physical skills. A basic condition for Dutch schools is that children grow up in a plural society. Education also promotes active citizenship and social integration. It ensures, by means of fixed attainment goals, that children have knowledge of and are familiar with the diverse backgrounds and cultures of their peers.]

Health care

[With regard to access to health care a new social health insurance system was introduced in 2006. Before 2006 only 60% of the Dutch population was insured under an compulsory healthcare scheme. The others had to take out private insurance and had to deal with health- and age-related exclusions and insurance conditions from the part of the private healthcare insurers.]

As from 2006 all Dutch residents are obliged to take out a legally based healthcare insurance with an insurer of their own choice. All insurers are obliged to accept the persons who apply for insurance, without any conditions.

Mr. Chair, members of the Committee, This brings me to the end of my introductory remarks. With your indulgence I will pass the word to the leader of the delegation of Curacao.

Mister Chair, distinguished members of the Committee, ladies and gentlemen,

[It is an honour and a privilege for Curaçao to address your Committee on the occasion of the consideration of the fourth periodic report of the Netherlands Antilles on the implementation of the Convention on Economic, Social and Cultural Rights.]

This is the first opportunity for Curaçao as a new and autonomous country within the Kingdom of the Netherlands to address your Committee and we look forward to many more fruitful discussions

[Mister Chair

As of October 10, 2010 the Netherlands Antilles, as a country within the Kingdom of the Netherlands, ceased to exist. Both the islands of Curaçao and Sint Maarten became separate autonomous countries within the Kingdom of the Netherlands and the other islands, being Bonaire, Saba and Sint Eustatius [Statia] integrated as public bodies within the Netherlands. The Kingdom of the Netherlands now consists of four countries, being the Netherlands, Aruba, Curaçao and Sint Maarten.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles; these agreements will continue to apply to Curaçao and Sint Maarten.]

Mister Chair,

Though the constitutional reform has been getting most of the attention since 2005, the Government of Curaçao is duly aware of its obligations under the Convention on Economic, Social and Cultural Rights. The Committee can rest assured that the Government of Curaçao will seek, to the best of its abilities, to implement the provisions of the Covenant as well as the other conventions on the protection of human rights.

Although still an Island Territory and not an autonomous country within the Kingdom during the reporting and submission of the fourth report of the Netherlands Antilles, the delegation of Curaçao will do its utmost to answer any questions or

comments your Committee might have on the fourth report of the Netherlands Antilles.]

Mister Chair,

Despite the many challenges which a new country must overcome, progress has been made on a number of issues, which were initiated by the former country, the Netherlands Antilles and have been incorporated by Curaçao.

[Mister Chair]

Although human trafficking is currently not yet a criminal offence by means of a separate article, cases of human trafficking are tackled by the prosecution of other offences, such as fraud, kidnapping, people smuggling and coercion as defined in the Criminal Code. Under article 260 of the present Criminal Code, the trafficking of women and minors is an offence, which carries a maximum prison sentence of five years.]

With regard to human trafficking once the revised Criminal Code is passed by Parliament, Curacao will be able to ratify, among other treaties, the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children supplementing the UN Convention against Transnational Organized Crime and the Council of Europe Convention on Action against Trafficking in Human Beings.

Mister Chair,

Education is also a priority of the Government of Curacao. The National Ordinance on Compulsory Education, for children 4 to 18 years has been implemented full force. The National Ordinance on Compulsory Social Education has also been implemented. This Ordinance aims at providing youngsters, ages 16 to 24 years, who have dropped out of school with a second chance by helping them go back to school or by providing training that will better help them to find a job.

In Curacao like in many other Caribbean countries, there is a developing trend in which boys and young men are falling behind in education. We have ascertained that for instance special education consists of 70% of boys, whereas the secondary schools and universities comprise primarily of girls.

With funds from UNESCO a research was conducted regarding these discrepancies between boys and girls in the educational system. These findings have been published in the report: 'The boy problem: genderverschillen in onderwijsloopbaan op de eilanden van de Nederlandse Antillen [gender differences in educational development in the Netherlands Antilles]'. Both the report and its recommendations will be taken into account by the policy makers.]

Mister Chair,

The 2009 Labour Force Sample Survey shows that the unemployment rate under the working population of Curaçao is still decreasing. In 2006 it was 15%, in 2008 10.3 % and in 2009 9.7%.

[It is worth noting that the degree of participation of women has risen while that of men has remained the same. More women than men in relative terms are joining the labour market. In 2009 there was a surplus of working women reported. This is an interesting fact in the light of the human rights conventions and UN Millennium Development Goal no. 3, where equal access of men and women to the labour market is promoted.]

Mister Chair,

On the 1st of October 2009, sickness insurance for pensioners was regulated. Many of our pensioners have already made use of this opportunity to take care of their sickness insurance.

[On the 1st of January of 2010 an increase of old age pension (to ANG 800 monthly) became effective. Together with the old age pension the widow and orphan pensions were increased as well.]

Mister Chair,

Finally, the Government of Curaçao is in the process to start the necessary procedure within the Kingdom of the Netherlands to withdraw the reservation made on Article 8 of the Covenant regarding the right to strike.

With the mentioning of a few recent developments, we want to conclude the introductory remarks of the Government of Curaçao and look forward to a constructive dialogue with the distinguished members of your Committee. [The Government of

Curaçao highly welcomes any suggestions and recommendations from your esteemed Committee to aid it in surmounting the obstacles it encounters in further implementing fully the rights established by

the International Covenant on Economic, Social and Cultural Rights.]

Chair, with your indulgence I will now pass the floor to the leader of the delegation of Sint Maarten, Ms. Jorien Wuite, acting Secretary General of Public Health, Social Development and Labor

Mr Chair, distinguished Committee members, ladies and gentlemen, good day. As a representative of St Maarten, it is an honour to address your Committee.

The new government of country St. Maarten is duly aware of the additional tasks it has assumed a month ago, tasks which include obligations under the Human Rights Treaties and Conventions.

We do recognize the considerable undertaking at hand and acknowledge that it will be a challenging process. We are committed and look forward to complying with the provisions in the interest of the general well-being of our citizens, with special emphasis on those that are considered vulnerable in our society.

Mr Chair

We recognize the progress made by the Netherlands Antilles on the issues addressed. Legislation relevant to this convention that have been drafted but not ratified by the government of the Netherlands Antilles are considered priority areas to be addressed during the parliamentary sessions of the new country St Maarten.

As a dynamic, multi-cultural society with specific economic developments, we recognize the need for social economic initiatives with more emphasis on sustainable social development.

In light of global initiatives to secure universal access to health services, St Maarten opted for reforms in social security systems. The introduction of a national health insurance system guarantying all citizens equal rights to vital health services is considered a high priority for 2012.

In addition, in lieu of factors of an ageing society, St Maarten is presently redesigning the old age pension to secure sustainability and alleviate risks of poverty in the future.

Due to the recent global economic down-turn, St. Maarten is once more challenged with unemployment, and therefore has developed expanded programs from the social economic initiatives, entitled 'from welfare to employment' and 'adult on the job training'.

Mr Chair

St Maarten's population has high numbers of illegal migrant workers. To address associated matters of illegality and to eliminate disadvantages associated with such, the Netherlands Antilles in partnership with St Maarten, introduced a legalization program known as the Brooks Tower Accord. This program was well received and is presently on-going.

In accordance with the national ordinance of compulsory education, St Maarten makes no distinction for the children of illegal residents. By means of a specific plan of action, special emphasis is placed on the necessity to meet this requirement, create relevant conditions and sensitize the general public on the rights of the child to an education.

Finally, 2006 was a significant year for our cultural agenda. The St Maarten cultural policy framework was drafted and approved by the then Island Council. The policy promotes the St. Maarten culture, gives priority to cultural activities and events, and stimulates active creativity to name a few.

Mr Chair

In conclusion, we look forward to a productive dialogue with the distinguished members of your Committee.