



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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Excellency,

In our capacity as Chair and Rapporteur for follow up to concluding observations of the Committee on Economic, Social and Cultural Rights respectively, we have the honour to refer to the examination of the sixth periodic report of the Netherlands at the Committee's sixty-first session, held in June 2017. In the concluding observations (E/C.12/NLD/CO/6), the Committee requested the Netherlands to provide, within 18 months, written information on the steps undertaken to implement the recommendations contained in paragraphs 8, 12 and 40 (a) of the concluding observations.

The Committee welcomes the follow-up report (E/C.12/NLD/CO/6/Add.1) received in January 2019 under its follow-up procedure. The Committee examined the report at its sixty-fifth session, held in March 2019, and wishes to communicate the following assessment:

Paragraph 8: Sufficient progress. The State Party is requested to provide information in the context of its next periodic report on the new Human Rights Action Plan as well as progress in Aruba, Curacao and Saint Maarten.

Paragraph 12 (a): Lack of sufficient information to make an assessment. It is not clear who is entrusted with task of monitoring the implementation of the national action plan on business and human rights, nor how and by whom the findings of the relevant parts of the Human Rights Report are evaluated, and how the implementation of the recommendations resulting therefrom is monitored. Nor it is clear how the annual Human Rights Report includes domestic implementation of the National Action Plan on Business and Human Rights, as well as when the Responsible Business Conduct reports are issued. The State Party is requested to provide further clarity on these issues in the context of its next periodic report.

Paragraph 12 (b): Lack of sufficient information to make an assessment. The response does not provide information on whether the State party has established legal obligations on companies to respect human rights in all their operations. Such information should also include the specific legal obligations, if any, of companies conducting their business activities abroad or being involved in international supply chains. The information provided focuses on the State Party's initiatives to raise awareness amongst business actors of human rights, and the voluntary agreements among the stakeholders. In addition, the structure of the information provided does not indicate clearly whether it relates to the domestic or extraterritorial dimension of the obligations of companies or both. The State Party is requested to provide further information and clarity on this issue in the context of its next periodic report.

Paragraph 12 (c): Sufficient progress.

Paragraph 12 (d): Insufficient progress. The State Party indicates only that Curaçao is currently looking for a new partner to take over the refinery and modernise it in line with international environmental standards. More substantive and expedited progress is expected regarding the overhaul of the oil refinery industry in Curaçao with a view to averting pollution. The State Party is requested to provide further information on the progress achieved in implementing this recommendation in the context of its next periodic report.

Paragraph 12 (e): Sufficient progress. The Committee requests the State Party to provide information in its next periodic report on whether the draft Bill was passed by the Parliament.

Paragraph 40: Insufficient progress. The State Party reiterates its policy that those without legal right of residence in the Netherlands can stay in restrictive accommodation (VBL). However, admission to a VBL is contingent upon the person's efforts to effect his or her departure from the Netherlands. It further indicates that pilot programs in the form of National Immigration Facilities (LVV) are being tested in order to find lasting solutions for aliens who have not left the Netherlands, whether voluntarily or by means of forced return. Cooperation towards a durable solution, which would often amount to return, remains a precondition for shelter in the LVVs. In accordance with the Committee's statement on Duties of States towards Refugees and Migrants under the International Covenant on Economic, Social and Cultural Rights (E/C.12/2017/1), the essential minimum content of the Covenant rights should be guaranteed to all persons under States parties' jurisdiction, regardless of their legal status. The Committee requests the State Party to provide information on progress towards implementing this recommendation in the context of its next periodic report.



The Committee looks forward to continuing its constructive dialogue with the Government of the Netherlands, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Covenant.

Please accept, Excellency, the assurance of our highest consideration.

A handwritten signature in blue ink, consisting of a large, stylized 'R' followed by a long horizontal stroke.

Renato Zerbini Ribeiro Leão
Chair
Committee on Economic, Social
and Cultural Rights

A handwritten signature in blue ink, appearing to read 'S. Liebenberg' with a long horizontal stroke at the end.

Sandra Liebenberg
Rapporteur for follow-up
Committee on Economic, Social
and Cultural Rights