



Parallel Report of the Dutch Section of the International Commission of Jurists (NJCM) to the Seventh Periodic Report of the Kingdom of Netherlands on the International Covenant on Economic, Social and Cultural Rights (2023)

This report covers the period **2017 – 2022** and is written and published by the Dutch Section of the International Commission of Jurists (NJCM). This report is co-signed by Bureau Clara Wichmann, Defence for Children The Netherlands, Johannes Wier Stichting voor gezondheidszorg en mensenrechten, Médecins du Monde Netherlands, Network of advocates on homelessness, SamenThuis2030 (network of advocates on youth homelessness), The Shift (#Right2Housing), Stichting Landelijk Ongedocumenteerden Steunpunt, Tiye International, VSAN – Association of Social Lawyers in the Netherlands and WO=MEN Dutch Gender Platform.

7 August 2023, The Netherlands.

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PARALLEL REPORT TO THE SEVENTH PERIODIC REPORT OF THE KINGDOM OF NETHERLANDS ON THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

I Introduction

1. COVID-19, the military invasion of Ukraine, climate change, the cost of living-crisis: the past years have been turbulent in the international community and the situation within the Kingdom of the Netherlands has been no exception. During such times, upholding and promoting human rights is paramount. Whilst the Netherlands is known for highly valuing the rule of law and human rights, in practice it seems that the promotion of economic, social and cultural rights has remained low on the Government's agenda.

2. This report covers eight themes, including, but not limited to: the problems that have emerged in relation to the reception of asylum seekers in the Netherlands, the revision of the curriculum on human rights education in primary and secondary education and the lack of transparency in its process, and the continuing failure of the government to ratify the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights (hereafter referred to as the OP). The aforementioned themes are not new, as they have already been addressed in previous reporting cycles of this Covenant and during the latest Universal Periodic Review of the Kingdom of the Netherlands.ⁱ Within each theme we have sought to not only set out the causes and effects of current human rights issues, but also to give recommendations on the steps that the Government must take in order to address them. However, given to the limited size of this contribution and the NJCM's limited capacity, it must be noted that this report does not intend to be comprehensive.

3. Lastly, we would like to emphasise that the recommendations of United Nations treaty bodies and civil society actors must be taken seriously. We therefore welcome the opportunity to submit this parallel report on the seventh periodic report of the Kingdom of the Netherlands on the International Covenant on Economic, Social and Cultural Rights (the Covenant).

II The Right to Housing: towards a rights-based approach

Increasing homelessness

4. Homelessness has remained a widespread and an increasing problem in the Netherlands since the last reporting cycle.ⁱⁱ Official statistics show that since 2009 numbers have doubled, with an estimated peak of 39.000 persons experiencing homelessness in 2018.ⁱⁱⁱ Although these statistics also suggest that the numbers have been decreasing since 2020,^{iv} it is highly likely that in reality the current numbers are much higher and increasing, considering these findings are based on a narrow and incomprehensive definition of homelessness.^v This data excludes minors, persons above the age of 65 years, undocumented migrants, persons living in insecure or inadequate housing who seriously risk homelessness and those who are financially independent but have no access to housing ("economic homelessness").^{vi} This has resulted in

underestimating and misunderstanding the severity of the problem. For example, persons experiencing economic homelessness are categorically excluded from shelters.^{vii} Reasons for the increase of people experiencing homelessness are complex and interlinked, but can be mainly found in the growing shortages of affordable housing, increasing numbers of persons with an unstable income or job, low wages, a rising number of people living with debts and in fragile situations, and the inaccessibility of social security schemes.^{viii} Increasing homelessness has been particularly present amongst young persons and people with a non-Western and East European migration background.^{ix} Research has also shown that due to stigma and discrimination, but also bureaucracy, it is extremely difficult to escape a situation of homelessness.^x

5. Until recently, the government's response to homelessness lacked policies to sustainably solve and prevent homelessness in the long-term. Possibilities to take legal action to claim housing have been unavailable. Both the Council for Public Health and Society and the National Human Rights Institute have emphasised both the importance as well as the current lack of an integral rights-based approach to homelessness.^{xi} As a result, in 2022 the government introduced a National Action Plan Against Homelessness,^{xii} with the right to housing as a starting point to combat and prevent homelessness and promising structural evaluations of the policies' effects. This Action Plan had yet to be enforced. Whilst the NJCM welcomes this Action Plan, we are worried that the subject will remain low on the political agenda and that without formal laws guaranteeing legal protection, insufficient steps will be taken to tackle this growing problem. According to the Action Plan, local governments will be responsible to further develop anti-homelessness policies and delivering services.^{xiii} However, we worry that local authorities might have insufficient capacity and limited expertise to adequately deliver on this subject.^{xiv} We furthermore emphasise the importance of rights-based monitoring and of ensuring meaningful participation in the process of drafting policies of both civil society and persons who (have) experience(d) homelessness.

6. We recommend the government to conduct a thorough research into the real number of homeless people in the Netherlands, using a sufficiently comprehensive definition of homelessness;

7. As the right to housing is central to the National Action Plan Against Homelessness, we urgently ask the government to explain how and when it will implement a rights-based approach to sustainably prevent and tackle homelessness;

8. We recommend the government to implement the National Action Plan Against Homelessness with urgency and priority. It is essential that local authorities are adequately equipped to implement and apply rights-based policies;

9. When drafting policies on homelessness, we urge the Government to guarantee meaningful participation not only of civil society, but also of persons who experience or who have experienced homelessness, in line with the right to participate.

The discriminatory Rotterdam Act

10. The so-called 'Rotterdam Act' (Inner City (Special Measures) Problems Act)^{xv} has been a much-debated topic since its entry into force in December 2005. This act aims to improve the

safety and living conditions in problematic neighbourhoods in Dutch cities. The Act allows local authorities to refuse any rental housing in designated neighbourhoods to persons who have lived in the municipality's region for less than six years and who have no source of income or receive state benefits. It additionally provides for local authorities to refuse housing to those persons of which there is a well-founded suspicion that their moving in will increase nuisance or criminal activities in the neighbourhood.^{xvi} The act has been applied in ten cities in the Netherlands so far.

11. The Rotterdam Act is problematic because it directly discriminates against persons with a lower income or a lower socio-economic status, i.e. persons living in poverty. Its application leads to a denial of this group's right to housing and their ability to choose their place of residence. Persons with a non-Western or Eastern European migration background are disproportionately affected, and the Act thus indirectly discriminates on race, ethnicity and nationality.^{xvii} Furthermore, special attention must be paid to the differentiated impact of this Act on women due to the intersection of different types of discrimination, for example in the case of single mothers with a migration background.^{xviii} At the same time, studies have shown that the Act has not been effective in improving the living conditions and that it has led to stigmatisation of these neighbourhoods.^{xix} The actual extent of the personal discriminatory consequences of this Act has, however, never been studied. Therefore, insofar as the improvement of the safety and living conditions in problematic neighbourhoods qualifies as a legitimate aim, the Act's potentially far-reaching discriminatory effects cannot be justified under the Convention.

12. Before its entry into force, the National Human Rights Committee (then known as the "Equal Treatment Committee") expressed serious concerns on the discriminatory features of this Act.^{xx} Later in 2015, the Council of State found that the Act's interference with constitutional rights was most probably not justified, as its necessity and proportionality had not been proven.^{xxi} In 2017, the Act was the subject of discussion in the ECtHR's Grand Chamber. Even though the Court found no breach, the Act remained controversial.^{xxii} In 2021 five UN Special Rapporteurs expressed their concerns over this Act's discriminatory features.^{xxiii} In response, several organisations including the NJCM, have called upon the government to seriously consider these concerns and to review the Act.^{xxiv} The government has however continued to justify its application.^{xxv} In a climate of growing shortages of affordable housing and growing homelessness in the Netherlands, discriminatory measures such as these are unacceptable.

13. We urge the government to abolish the Rotterdam Act and to refrain from discriminatory practices in its housing policies.

III Marginalisation of immigrants

Reception of Asylum Seekers

14. During the reporting period, the Dutch asylum system has been marred by severe logistical problems in the reception and accommodation of asylum seekers.^{xxvi} This has resulted in serious breaches of the minimum rights set out by the Convention in relation to asylum seekers under its jurisdiction, such as the non-discrimination principle, the right to an adequate standard of living and the right to the highest attainable standard of health.^{xxvii} The difference between the quality of the reception of Ukrainian refugees and other refugees has been striking.^{xxviii} Not only do both groups enjoy different rights, but also generally we have seen fundamentally less welcoming attitudes towards the latter group.^{xxix}

15. The reception centres have been severely overcrowded for years,^{xxx} but the Central Agency for the Reception of Asylum Seekers (COA) raised the alarm in 2022.^{xxxi} All reception centres, including emergency shelters, were completely full and as a result many asylum seekers were forced to sleep on the floor,^{xxxii} on chairs, on stretchers,^{xxxiii} in tents, or even outside.^{xxxiv} Most centres were lacking privacy, hygiene and access to health care.^{xxxv} This situation has been especially worrying for families with young children and for unaccompanied minors. At the end of August 2022, a three-month old baby died in the sports facility at Ter Apel, the national reception centre,^{xxxvi} which was used as a dorm due to a lack of capacity. The cause of death remains unclear. Humanitarian organisations such as Doctors Without Borders and the Red Cross had to intervene in Ter Apel by providing the lacking basic (physical and mental) health.^{xxxvii}

16. In December 2022, the Dutch Court of Appeal found the circumstances at the emergency reception centres in breach with international and European law and ordered the Government to provide adequate reception facilities as urgently as possible.^{xxxviii} The Advisory Council for Migration (Adviesraad Migratie) has also advised the government to urgently provide for structural policy changes.^{xxxix} However, no such changes or improvements have yet been made. This crisis has shown how over the years the government's approach to the reception and treatment of asylum seekers has been deeply flawed. The budget for the reception centres have been dependent on the height of the influx of asylum seekers (the so-called 'crisis mode')^{xl}. This in combination with the failure to facilitate an efficient outflow from reception centres (partly because of the national housing crisis), has been the recipe for this self-made 'crisis'.^{xli} The situation might become even more precarious due to an expected increase in people seeking asylum in the Netherlands in 2023.^{xlii}

17. In an apparent attempt to stem the influx of asylum seekers the Government decided to suspend or postpone family reunification for persons who have been granted international protection.^{xliii} Many concerns were raised as to the compatibility of this measure with the EU Family Reunification Directive (2003/86/EC) and the Dutch Aliens Act.^{xliv} These concerns were affirmed by the Council of State on 8 February 2023.^{xlv} The Council found that the measures were indeed incompatible with EU and national law and ordered the State Secretary to immediately allow the applicants entry into the country's territory. In 2023 the Government discussed an alternative way to suspend family reunification, but heated debates resulted in the collapse of the Government in July 2023.^{xlvi}

18. We urge the Government to ensure sufficient reception facilities for all asylum seekers on its territory and to ensure that the conditions at these facilities meet the minimum standards of the rights enshrined in the Covenant, paying special attention to the most vulnerable people.

19. The government must move away from temporary suspension measures, or any measures in breach of international law, as a solution to the reception crisis.

20. We urge the Government to ensure that such action will be taken while waiting for a new Government to be elected.

Living and working conditions of migrant workers

21. Migrant workers, including those who are undocumented, are entitled to just and favourable working conditions as enshrined in Article 6 CESC. ^{xlvii} The Kingdom of the Netherlands has not met its Covenant obligations towards migrant workers regarding their right to work (which is integrally linked to other rights, such as the right to an adequate standard of living). ^{xlviii}

22. Migrant workers are indispensable in the Dutch economy for jobs that often include heavy physical labour in exchange for minimum wage. A large portion of this group consists of EU-citizens. ^{xlix} Many migrant workers in the Netherlands are exploited by rogue employment agencies that hire them. According to an estimate made by the Dutch labour inspectorate, an average of 1 in 7 employment agencies knowingly violates national law.¹ For example, migrant workers endure poor working conditions, get substantially underpaid (less than minimum wage) and work more hours than allowed under national law. Moreover, they are reliant on employment agencies for housing, which is often substandard (unhygienic, small, dangerous) and they risk eviction in the event of a work-related accident.^{li} Undocumented migrants are most easily taken advantage of. Their invisibility in the shadow economy makes them greatly vulnerable to exploitation.^{lii} Migrant workers are also routinely excluded and discriminated against.^{liii}

23. In 2020 a specially formed Government team published an advisory report with recommendations on how to structurally improve the protection of migrant workers.^{liv} Since then, the Government has implemented several of the recommendations, including plans for future legal reform. However, the impact of such reform will take time.^{lv} Since 2020 the government has published an annual report on the implementation of the advice report.^{lvi} Overall, few of the recommendations have been addressed since 2020, and migrant workers are still too often victims of abuses.^{lvii} In 2021, the Dutch Court of Audit criticised the government publicly for not effectively combating labour exploitation. Victims are inadequately protected while perpetrators hardly get fines or go free.^{lviii}

24. While the NJCM welcomes the announced improvements and the monitoring through annual reporting, the Covenant rights of migrant workers have been violated during the reporting period and continue to be violated now.^{lix}

25. We urge the Government to ensure that migrant workers enjoy treatment that is no less favourable than national workers in terms of payment and conditions of work.^{lx} The

Netherlands must take targeted, accelerated steps to fulfil their obligation to protect, by overseeing that rogue employment agencies do not interfere with the right to work, and by adequately punishing perpetrators in the event of violations.^{lxi}

26. We urge the Government to take more steps to protect undocumented migrants from labour exploitation and to adequately investigate and punish perpetrators in the event of such violations.

27. We furthermore recommend the Government to adhere to its obligation under the Covenant to effectively monitor and demonstrate that it has taken all necessary steps to ascertain the full extent of inadequate housing under migrant workers.^{lxii}

IV Human Rights Education

28. Since the NJCM's last report on the implementation of Article 13 CESCR, on the right to education, the Dutch Government has adopted an amendment to the national law on citizenship education, (*Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs*) which entered into force in August 2021.^{lxiii} This amendment aims, among other things, to strengthen the position of human rights and children's rights in citizenship education. The NJCM and the Platform on Human Rights Education have welcomed this development.

29. Although this amendment is highly appreciated, it is long overdue. Research has shown that children's knowledge on citizenship has declined since 2009,^{lxiv} and that only 34% of Dutch children has heard about the Convention of the Rights of the Child.^{lxv} These findings can partially be explained by insufficient education provided to children on these topics.

30. Moreover, a study from 2017 shows that a popular social studies-textbook lacks basic information on human rights and may even convey potential misinformation, partly due to the author's misunderstanding of the topic.^{lxvi} Although the amended law has entered into force almost 2 years ago, the necessary changes to the new curriculum have, as of yet, not been made. Consequently, it is left to individual schools and teachers to provide education concerning these topics in any manner they see fit. The consequential absence of uniformity this situation creates is problematic.

31. The development process of a new curriculum for primary and secondary education has (finally) started at the beginning of 2023 and will last about a year. Previously, the NJCM has actively and enthusiastically participated in the stakeholder consultations for the reform of the curriculum called "Onderwijs2032" ("*Education2032*") which was launched in 2015 and is part of an ongoing process.^{lxvii} However, there is currently no seat at the table of the Curriculum Committee for civil society organisations like the NJCM and other members of the Platform on Human Rights Education who possess the necessary knowledge on human rights and citizenship education. The process to develop a new curriculum is therefore uncertain and neither transparent nor clearly structured.

32. We urge the Government to ensure that the importance of human rights, including children's rights, which is imbedded in the new law on citizenship education, will be reflected brightly in the new curriculum.

33. The Government must also ensure that civil society organisations, such as the members of the Platform on Human Rights Education, will be actively involved throughout the entire development process of the new curriculum and will be given a say in the final decision regarding the content of the curriculum.

V Climate change in the Caribbean parts of the Kingdom of the Netherlands

34. In a 2022 study by the Vrije Universiteit Amsterdam, researchers concluded that increasing emissions will have a devastating impact on the economy, public health and cultural heritage on the island of Bonaire. Without a climate change adaptation by 2050, the infrastructure in the southern part of the island will become inaccessible due to the sea level rising. Furthermore, the greater part of the island's cultural heritage is located in the southern part of Bonaire and will become vulnerable to flood hazards and the impact of storms.^{lxviii} Additionally, the coral reefs of Bonaire would be negatively impacted due to the sea level rising, acidification, and increasing temperatures. Loss of coral reefs would affect tourism and consequently the economic development of various sectors of Bonaire.^{lxix} Prior research conducted in 2017 pointed out similar results.^{lxx} Notwithstanding the current deficiency of similar research regarding the five other islands that are part of the Kingdom of the Netherlands, concern for the effects of climate change on those islands also exists.

35. Up until now the response by the Dutch Government to these alarming messages has been insufficient. In response to the research conducted in 2022, the Dutch Minister of the Interior and Kingdom Relations, responsible for climate policy, has announced that the Government is willing to undertake action in order to create greater climate resiliency amongst the islands of the Dutch Caribbean.^{lxxi} As part of this action, climate scenarios will be developed by the Royal Netherlands Meteorological Institute and adaptation strategies will be drafted with the support of the government. Furthermore, a broader assessment was announced to take place in 2023 with regard to the impact of climate change on the islands pertaining to the Caribbean part of the Netherlands. While these actions are a good place to start, more proactive and rapid action is needed in order to prevent disastrous consequences.

36. We call upon the Dutch Government to prepare adequate adaptation plans and mitigation policies in the context of climate change for all entities that are part of the Kingdom of the Netherlands, and thus ensure that the importance of cultural and economic rights of its Caribbean Islands are sufficiently protected against the harmful impact of climate change.

VI Gender Pay Gap

37. In its previous concluding observations, the Committee on Economic, Social and Cultural Rights expressed its concern about the significant gender pay gap in the Netherlands.^{lxxii} According to the Pay-gap Monitor, a biennial report published by Statistics Netherlands (CBS) in 2020, the average hourly wage earned by women is still lower than that of men, both in the public and private sector.^{lxxiii} Women in the public sector earned 6% less than their male colleagues and women in the private sector earned 19% less.^{lxxiv} Looking at the pay gap over a

longer period of time (between 2008 and 2020), it becomes clear that it is decreasing very slowly.^{lxxv}

38. The existence of this pay gap is the result of multiple factors, including: 1) a lower participation rate of women in higher ranking positions, 2) an overall lower participation rate of women in the labour market, 3) women often working part-time, 4) occupational segregation where women often work in sectors where wages are lower, and 5) pay discrimination.^{lxxvi} Gender stereotypes play an important role in all of those factors.^{lxxvii} Certain policies in the Netherlands reinforce those stereotypes, and thus the gender pay gap, instead of actively combatting them. An example here are the policies regarding paternity/partner and parental leave as well as childcare allowance.

39. Obstacles in paternity/partner and parental leave contribute to maintaining the traditional gender role division.^{lxxviii} In the Netherlands, as a statutory minimum, a partner receives only one week of paternity/partner leave on full pay and an additional five weeks on a maximum of 70% of their usual income.^{lxxix} In addition, both parents have a right to parental leave, of which only nine weeks are paid on a maximum of 70% of their usual income.^{lxxx} This significant reduction of income could, especially for partners in low-income families, become too big of an obstacle to take paternity/partner and/or parental leave and encourages partners, most often men, to work and women to stay at home. Another example is inadequate childcare allowance, which makes it difficult for both parents to work.^{lxxxi} It discourages women with children from entering paid work or at least from working full time. The difference in wages between men and women in the Netherlands is the highest among employees with children.^{lxxxii} The NJCM emphasises that, although the Government has taken steps to improve this situation, the gender pay gap is still a significant problem for the realisation of gender equality.

40. The Government needs to step up its efforts to increase public awareness of gender stereotypes in family and society and cancel policies which contribute to these stereotypes, e.g., by expanding paternity/partner and parental leave and increasing childcare allowance. The NJCM encourages the legislative proposal on equal pay for women and men, which is currently being debated in the Dutch Parliament.^{lxxxiii} This law would be a step in the right direction of ending unequal payment of men and women in similar positions. However, besides tackling more direct forms of discrimination, the Government must address the existing gender stereotypes as underlying factors of the gender pay gap.

- 41. The Government must step up its efforts in combatting the gender pay gap.**
- 42. We urge the Government to counter gender stereotypes in family life and society, and to raise awareness regarding their existence and effects on the gender pay gap.**
- 43. We urge the Government to cancel policies that are based on and/or contribute to gender stereotypes.**

VII Ratification of the Optional Protocol

44. The Optional Protocol (the OP) to the Covenant, which, amongst other things, grants individuals access to the Covenant’s complaints procedure at the Committee on Economic, Social and Cultural Rights (the Committee), was signed by the Kingdom of the Netherlands in 2009. However, to this day, the Netherlands has not ratified the OP.

45. In 2017, the Committee recommended the Netherlands in its Concluding Observations on the country’s sixth periodic report to finalise the ratification process of the OP as soon as possible.^{lxxxiv} In the same year the Council of State (the Council) gave its advice on the ratification of the OP.^{lxxxv} The Council emphasized that ratification of the OP can be seen as an important step towards the recognition of the equality and indivisibility of all human rights. It also particularly noted that, following the Dutch Constitution,^{lxxxvi} the provisions of the Covenant will most likely not be directly applicable to the Dutch courts, merely because of the ratification of the OP. It has also added, however, that the Committee’s views are authoritative and may render certain provisions directly applicable, which may shift the main task of the interpretation of the Covenant toward the courts instead of the lawmakers.

46. On 7 December 2021, the Government asked the Council of State to provide information concerning the Optional Protocols to the ICESCR, the Convention on the Rights of Persons with Disabilities (CRPD) and the Convention on the Rights of the Child (CRC). This information was published on 4 July 2022.^{lxxxvii} Among other things, the Council of State noted that ratification of the Optional Protocols could contribute to strengthening the international protection of human rights and the development of the international legal order. On 26 May 2023, the Government published its decision to, first of all, ratify the OP to the CRPD and, thereafter, the OP to the CRC. However, the Government decided not to ratify to OP to the ICESCR.^{lxxxviii} The Government noted that it will further explain its decision not to ratify the latter after the summer of 2023.

47. The NJCM regrets the Governments decision not to ratify the OP to the ICESCR and cannot stress enough the importance of the ratification of the OP. Ratifying the OP will contribute to the further realisation of, and improve access to, economic, social and cultural rights within the Netherlands. Moreover, by ratifying the OP the Government would underline that all human rights are indivisible, interdependent and equally important.

48. We urge the Government to finally ratify the Optional Protocol to the ICESCR.

ⁱ See ‘NGO’s informeren VN voor sessie over economische, sociale en culturele rechten in Nederland’ [NGOs inform the UN on economic, social and cultural rights in the Netherlands], njcm.nl, 12 May 2017 (available at: <https://njcm.nl/actueel/ngos-informeren-vn-voor-sessie-economische-sociale-en-culturele-rechten-nederland/>); see also ‘NJCM spreekt Verenigde Naties toe over mensenrechten in Nederland’ [NJCM, njcm.nl, 29 August 2022 (available at: <https://njcm.nl/actueel/njcm-spreekt-verenigde-naties-toe-over-mensenrechten-in-nederland/>)].

ⁱⁱ See Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Netherlands, 6 July 2017, UN Doc. E/C.12/NLD/CO/6, para. 43.

ⁱⁱⁱ Centraal Bureau voor de Statistiek (CBS), *Stijging van het aantal daklozen tot stilstand gekomen* [Increase of homelessness numbers has halted] 1 April 2021 (available at: <https://www.cbs.nl/nl-nl/nieuws/2021/13/stijging-van-het-aantal-daklozen-tot-stilstand-gekomen>).

^{iv} *Ibid*; In 2021 32.000 persons were estimated to be homeless. Also, the effect of the pandemic on these numbers has not been clear yet.

^v The EU-endorsed definition called ETHOS Light is much more comprehensive. See FEANTSA, *European typology of homelessness and housing exclusion* (available at: <https://www.feantsa.org/download/fea-002-18-update-ethos-light-0032417441788687419154.pdf>).

^{vi} See for example Vereniging van Nederlandse Gemeenten (VNG) [Association of Dutch Municipalities], ‘Nieuwe telling voor meer inzicht dak- en thuisloosheid’ [New count for more insight into homelessness] 22 May 2023 (available at: <https://vng.nl/nieuws/nieuwe-telling-voor-meer-inzicht-dak-en-thuisloosheid>). See also K. Baggerman, CBS-cijfers over dakloosheid zijn te rooskleurig [CBS numbers on homelessness are too positive] 2 November 2021 (available at: <https://stadszaken.nl/artikel/3830/cbs-cijfers-over-dakloosheid-zijn-te-rooskleurig>).

^{vii} See for example C. Klein, ‘Een groeiende, maar onzichtbare groep: mensen met inkomen, maar zonder woning’ [A growing, but invisible group: persons with an income, but without a house], *nos.nl*, 10 March 2022 (available at: <https://nos.nl/artikel/2420541-eeen-groeiende-maar-onzichtbare-groep-mensen-met-inkomen-maar-zonder-woning>).

^{viii} Raad voor Volksgezondheid en Samenleving [Council for Public Health and Society], *Herstel Begint met een Huis* [Recovery Starts with a House] April 2020, p. 31, (available at: <https://open.overheid.nl/documenten/ronl-591d7015-5a5f-42a9-87d0-d014c81154b9/pdf>).

^{ix} *Ibid*.

^x For example, until 2022, local authorities often refused to register persons without a permanent address in the Personal Records Database (BRP), which in turn made it effectively impossible for these persons to receive social services and benefits. Since January 2022 municipalities are forbidden by law to refuse their registration. See The National Ombudsman, *Een Mens Leeft, Een Systeem Niet* [A Human Lives, A System Does Not], 1 November 2016 (available at: <https://www.nationaleombudsman.nl/system/files/onderzoek/Rapport%202016-110%20Een%20mens%20leeft,%20een%20systeem%20niet.pdf>); Ministry of Internal Affairs, *Het ambtshalve registreren op briefadres* [Ex officio registration of mail address] (available at: <https://www.rvig.nl/Verzamelwet%20BRP>).

^{xi} Raad voor Volksgezondheid en Samenleving [Council for Public Health and Society], *Herstel Begint met een Huis* [Recovery Starts with a House] April 2020, p. 40; National Human Rights Institute, *Rapportage Mensenrechten in Nederland: armoede, sociale uitsluiting en mensenrechten* [Report Human Rights in the Netherlands: poverty, social exclusion and human rights] 16 May 2017 (available at: <https://publicaties.mensenrechten.nl/publicatie/6dab1ad8-5fdd-4a4d-9fcc-b446f429ff6e>); see also the Letter to Parliament by the National Ombudsman and the Children’s Ombudsman, 4 June 2020 (available at: <https://www.nationaleombudsman.nl/system/files/bijlage/Brief%20aan%20voorzitter%20Tweede%20Kamer%20mevrouw%20Arib%20inzake%20dak-%20en%20thuislozenproblematiek%20%284%20juni%202020%29.pdf>).

^{xii} Ministry for Public Health, Wellbeing and Sport, *Nationaal Actieplan Dakloosheid: Eerst een Thuis* [National Actionplan Homelessness: First a Home], November 2022 (available at: <https://open.overheid.nl/documenten/ronl-bb529bd58adc8061e5c058d2fe9671197ba6244f/pdf>).

^{xiii} *Ibid*, p. 10.

^{xiv} See Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Netherlands, 6 July 2017, UN Doc. E/C.12/NLD/CO/6, para. 16 – 17.

^{xv} ‘Wet bijzondere maatregelen grootstedelijke problematiek’ [Inner City (Special Measures) Problems Act] (available at: <https://wetten.overheid.nl/BWBR0019388/2018-06-13>).

^{xvi} See articles 8 and 10 of the Inner City (Special Measures) Problems Act.

^{xvii} See also the references to stereotypes in the legislative history of the act at Kamerstukken II 2004/05, 30 091, nr. 3 (available at: <https://zoek.officielebekendmakingen.nl/kst-30091-3.html>).

^{xviii} See the dissenting opinion of Judge Pinto de Albuquerque in ECtHR, *Garib v. The Netherlands*, 6 November 2017, App. No. 43494/09, §34-39 (available at: https://hudoc.echr.coe.int/eng#_Toc496690065). In this case the Grand Chamber found that the application of the ‘Rotterdam Act’ was justified under article 2, Protocol 4 ECHR; See as an example the case of ms. Ramdat, who was denied the so-called housing permit and as a consequence seriously risked homelessness: R. Bouma and F. Damen, *Met omstrede wet weren gemeenten bijstandsontvangers in kansarme wijken* [With controversial act municipalities bar social benefits recipients in underprivileged neighbourhoods] 30 November 2020 (available at: <https://nos.nl/nieuwsuur/artikel/2358728-met-omstreden-wet-weren-gemeenten-bijstandsontvangers-in-kansarme-wijken>).

^{xix} J. van Ommeren and H. Koster, *Neighbourhoods won't be improved by banning the unemployed*, 27 July 2022 (available at: <https://cepr.org/voxeu/columns/neighbourhoods-wont-be-improved-banning-unemployed>). See also Sociale Vraagstukken, *Rotterdamwet is mislukt* [Rotterdam Act failed], 10 June 2016 (available at: <https://www.socialevraagstukken.nl/rotterdamwet-is-mislukt/>).

^{xx} Commissie Gelijke Behandeling [Equal Treatment Committee], *Gelijke behandeling: oordelen en commentaar 2005* [Equal treatment: judgments and commentary 2005] 2005, Wolf Legal Publishers: Nijmegen, p. 117 (available at <https://publicaties.mensenrechten.nl/publicatie/55a47338-9605-48aa-b0ac-75d5d48a86ee>).

^{xxi} Council of State, *Voorstel van wet tot wijziging van de Wet bijzondere maatregelen grootstedelijke problematiek in verband met de selectieve woningtoewijzing ter beperking van overlastgevend en crimineel gedrag, met memorie van toelichting* [Bill on the amendment of the Inner City (Special Measures) Problems Act relating to the selective house allocation to limit nuisance and criminal behaviour, with explanatory memorandum] W04.15.0092/I, 5 June 2015 (available at <https://www.raadvanstate.nl/adviezen/@63693/w04-15-0092/>).

^{xxii} Also the National Coordinator against Discrimination and Racism has acknowledged the act must be reviewed. See National Coordinator against Discrimination and Racism, *Nationaal Programma tegen Discriminatie en Racisme 2022* [National Program Against Discrimination and Racism], 30 August 2022, p. 84 (available at: <https://open.overheid.nl/documenten/ronl-b6fd8ea3cf7bc818c3f73c8944d6bc8d48f8b3f6/pdf>).

^{xxiii} Joint communication of the Special Rapporteur on adequate housing, the Special Rapporteur on the right to development, the Special Rapporteur on the human rights of migrants, the Special Rapporteur on minority issues and the Special Rapporteur on extreme poverty and human rights tot he Government of the Kingdom of the Netherlands, AL NLD 3/2021, 19 April 2021 (available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26359>).

^{xxiv} ‘Recht op de stad roept Tweede Kamer op recht op huisvesting te erkennen’ [‘Right to the City’ calls upon the Parliament to acknowledge the right to housing], njcm.nl 25 June 2021 (available at: <https://njcm.nl/actueel/recht-op-de-stad-roept-tweede-kamer-op-recht-op-huisvesting-te-erkennen/>).

^{xxv} See the Dutch response to the UN Joint Communication from the Special Procedures, GEV-PA-120/2021, 18 June 2021 (available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadFile?gId=36358>).

^{xxvi} *Vijf organisaties schrijven brandbrief aan Rutte: ‘neem verantwoordelijkheid voor de crisis in de asielopvang’* [Five organisations write urgent letter to Rutte: ‘Take responsibility for the asylum reception crisis’], unicef.nl, 26 July 2022 (available at: <https://www.unicef.nl/pers/2022-07-26-vijf-organisaties-schrijven-brandbrief-aan-rutte-neem-verantwoordelijkheid-voor-de-crisis-in-de-asielopvang>); Many EU memberstates are experiencing increased difficulties in managing the influx and reception of asylum seekers. In the case of Belgium, the ECtHR ordered several interim measures: ECtHR 31 October 2022, *Camara v. Belgium*, no. 49255/22, and ECtHR 16 November 2022, *Msallem and 147 others v. Belgium*, no. 48987/22 and 147 others. As of yet, the Court has however not been able to judge whether the reception conditions in Belgium are in breach of the ECHR’s provisions due to admissibility issues. See ECtHR 18 July 2023, *Camara v. Belgium*, no. 49255/22.

^{xxvii} See CESCR, Duties of States towards refugees and migrants under the International Covenant on Economic, Social and Cultural Rights, E/C.12/2017/1, 13 March 2017; The ECtHR has recently ordered several interim measures against Belgium for very similar circumstances, see ECtHR 31 October 2022, *Camara v. Belgium*, no. 49255/22, and ECtHR 16 November 2022, *Msallem and 147 others v. Belgium*, no. 48987/22 and 147 others.

^{xxviii} See for example: *Oproep aan de Staatssecretaris van Asiel & Migratie: legitimeer geen discriminerend opvangbeleid van gemeenten* [Call to the State Secretary for Asylum and Migration: do not legitimise discriminatory reception policies by municipalities], mensenrechten.nl, 22 July 2022 (available at: <https://www.mensenrechten.nl/actueel/nieuws/2022/07/29/oproep-aan-de-staatssecretaris-van-asiel--migratie-legitimeer-geen-discriminerend-opvangbeleid-van-gemeenten>).

^{xxix} See The Hague Court of Appeal, ECLI:NL:GHDHA:2022:2429, 20 December 2022 (available at: <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:GHDHA:2022:2429>). Besides the dire circumstances at the regular reception centres, the court found that providing better shelter facilities to Ukrainian asylum seekers was discriminatory towards other asylum seekers.

^{xxx} ‘Het is crisis in de asielzoekerscentra’, *NRC Handelsblad*, 4 November 2019 (available at: <https://www.nrc.nl/nieuws/2019/11/03/het-is-crisis-in-de-asielzoekerscentra-a3979015>).

^{iv} ‘Situatie asielzoekers Ter Apel ‘nog steeds schrijnend’’, *AD*, 3 October 2022 (available at: <https://www.ad.nl/binnenland/situatie-asielzoekers-ter-apel-nog-steeds-schrijnend~ac892fee/>).

^{xxxi} ‘Het COA staat op instorten’, *NRC Handelsblad*, 28 July 2022 (available at: <https://www.nrc.nl/nieuws/2022/07/28/coa-staat-op-instorten-2-a4137677>).

^{xxxiii} ‘Burgermeester ‘heel boos’ over noodsituatie asielzoekers: ‘Nederland laat Ter Apel zitten’ [Mayor ‘very angry’ about emergency situation of asylum seekers: ‘The Netherlands is failing Ter Apel’], *NOS Nieuwsuur*, 13 October 2021 (available at: <https://nos.nl/nieuwsuur/artikel/2401571-burgemeester-heel-boos-over-noodsituatie-asielzoekers-nederland-laait-ter-apel>).

^{xxxiv} ‘Opnieuw crisis in azc Ter Apel: ‘Opvang zit overvol’ [Again a crisis in reception centre Ter Apel: ‘The facility is overcrowded’], *RTL Nieuws*, 24 November 2021, (available at: <https://www.rtlnieuws.nl/nieuws/nederland/artikel/5269306/ter-apel-opvang-overvol-asielzoekers-vluchtelingen>).

^{xxxv} See for example the Kinderombudsman’s letter to Parliament concerning the situation in Ter Apel, 5 September 2022 (available at: <https://www.kinderombudsman.nl/publicaties/brief-aan-kamer-over-de-nieuwe-asieldeal>).

^{xxxvi} Directly upon arrival in the Netherlands, asylum seekers must report and register at the Immigration and Naturalization Services (IND) desk in Ter Apel. After a thorough intake, it is decided whether the person must remain at this reception center or whether they are relocated to other reception centers throughout the country to await the outcome of their asylum procedure.

^{xxxvii} See ‘Crisis bij aanmeldcentrum Ter Apel’ [Crisis in registration centre Ter Apel], <https://www.artsenzongergrenzen.nl/projecten/nederland-ter-apel/>; see ‘Rode Kruis-hulpverlening in Ter Apel hervat’ [Red Cross assistance in Ter Apel resumed], [rodekruis.nl](https://www.rodekruis.nl/persberichten/rode-kruis-hulpverlening-in-ter-apel-hervat/), 24 August 2022 (available at: <https://www.rodekruis.nl/persberichten/rode-kruis-hulpverlening-in-ter-apel-hervat/>).

^{xxxviii} The Hague Court of Appeal, ECLI:NL:GHDHA:2022:2429, 20 December 2022 (available at: <https://uitspraken.rechtspraak.nl/#!/details?id=ECLI:NL:GHDHA:2022:2429>). See also endnote xxix.

^{xxxix} Adviesraad Migratie, ‘Asielopvang uit de crisis’, 14 June 2022, p. 5 (available at: <https://www.adviesraadmigratie.nl/publicaties/publicaties/2022/06/14/asielopvang-uit-de-crisis>).

^{xl} Id.

^{xli} Id.; See also ‘Asielzoekerscentra bomvol: ‘We zitten tegen crisisnoodopvang aan’ [Asylum reception centres overcrowded: ‘we are approaching a crisis’], *RTL Nieuws*, 28 September 2021 (available at: <https://www.rtlnieuws.nl/nieuws/politiek/artikel/5256905/asielcrisis-ligt-op-de-loer-asielzoekerscentra-zitten-bomvol-azc>);

‘Veel vertraging bij bouw van asielzoekerscentra’ [Many delays in construction of asylum reception centres], *NRC Handelsblad*, 30 December 2019 (available at: <https://www.nrc.nl/nieuws/2019/12/29/veel-vertraging-bij-bouw-van-asielzoekerscentra-a3985258>); ‘Druk op asielproces door hogere instroom’ [Pressure on asylum procedure due to higher influx], *Immigration and Naturalisation Service*, ind.nl, 15 December 2021 (available at: <https://ind.nl/nieuws/paginas/druk-op-asielproces-door-hogere-instroom--.aspx>).

^{xlii} ‘Ministerie verwacht volgend jaar meer asielzoekers blijkt uit interne stukken’ [Ministry expects more asylum seekers next year, follows from internal documents], *NRC Handelsblad*, 23 October 2022 (available at: <https://www.nrc.nl/nieuws/2022/10/23/ministerie-verwacht-volgend-jaar-meer-asielzoekers-bleekt-uit-interne-stukken>).

[https://www.nrc.nl/nieuws/2022/10/23/ministerie-verwacht-volgend-jaar-meer-asielzoekers-blijkt-uit-interne-stukken-\)](https://www.nrc.nl/nieuws/2022/10/23/ministerie-verwacht-volgend-jaar-meer-asielzoekers-blijkt-uit-interne-stukken-).

^{xliii} State Secretary of Justice and Safety, Letter to parliament on the decisions concerning the reception crisis, 26 August 2022, p.3 (available at: <https://open.overheid.nl/repository/ronl-dbd85806d6050d6cc54edb722bf926d54e922ec9/1/pdf/tk-brief-besluitvorming-opvangcrisis.pdf>).

^{xliv} see Meijers Committee, Reaction to the State Secretary's letter to Parliament concerning the reception crisis, CM2207, September 2022 (available at: <https://www.commissie-meijers.nl/wp-content/uploads/2022/09/220905-CM2207-Reactie-van-de-Commissie-Meijers-op-de-Kamerbrief-inzake-besluitvorming-omtrent-de-opvangcrisis.pdf>); See Adviesraad Migratie, 'Schurende maatregelen: Signalering over aangekondigde maatregelen in reactie op de asielopvangcrisis' [Abrasive measures: observations on announced measures in reaction to asylum reception crisis], 11 November 2022 (available at: <https://www.adviesraadmigratie.nl/publicaties/publicaties/2022/11/11/signalering-schurende-maatregelen>); See the Kinderombudsman's letter to Parliament concerning the situation in Ter Apel, 5 September 2022.

^{xlv} Council of State, ECLI:NL:RVS:2023:506, 8 February 2023 (available at: <https://www.raadvanstate.nl/uitspraken/@135561/202207360-1-v1/>).

^{xlvi} See 'Kabinet Rutte IV valt over vluchtelinggezinnen' [Cabinet Rutte IV falls over refugee families], bnnvara.nl, 7 July 2023 (available at: <https://www.bnnvara.nl/joop/artikelen/kabinet-rutte-iv-valt-over-vluchtelinggezinnen>).

^{xlvii} Committee on Economic, Social and Cultural Rights, General Comment no. 23, 7 April 2016, UN doc E/C.12/GC/23, para 5; In the last general observations of 2017, the CESCR Committee was already concerned about the position of undocumented migrants in the Netherlands and recommended the State Party to ensure the minimum essential levels of the rights in the Covenant for them. See Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Netherlands, 6 July 2017, UN Doc. E/C.12/NLD/CO/6, para 18.

^{xlviii} Committee on Economic, Social and Cultural Rights, General Comment no. 23, 7 April 2016, UN doc E/C.12/GC/23.

^{xlix} The term 'migrant worker' is explained by the International Convention on the Protection of the Rights of All Migrant Workers as someone 'who is to be engaged, is engaged or has been engaged in a remunerated activity in a State of which he or she is not a national.' See International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, Article 2 (1), 18 December 1990; Dutch Labor Inspectorate, 'Monitor arbeidsuitbuiting en ernstige benadeling 2020-2021', 07 July 2022, p. 16 (available at: [Monitor arbeidsuitbuiting en ernstige benadeling 2020-2021 | Publicatie | Nederlandse Arbeidsinspectie \(nlarbeidsinspectie.nl\)](https://www.arbeidsinspectie.nl/publicaties/publicaties/2022/07/07/monitor-arbeidsuitbuiting-en-ernstige-benadeling-2020-2021)); NOS, '50.000 arbeidsmigranten per jaar erbij: 'Anders loopt het hartstikke vast'', 24 February 2019 (available: [50.000 arbeidsmigranten per jaar erbij: 'Anders loopt het hartstikke vast' \(nos.nl\)](https://nos.nl/nieuws/item/50000-arbeidsmigranten-per-jaar-erbij-anders-loopt-het-hartstikke-vast)).

¹ NRC, 'Een op de zeven uitzendbureaus overtreedt doelbewust de wet, denkt de Arbeidsinspectie - NRC', 17 november 2022 (available at: [Een op de zeven uitzendbureaus overtreedt doelbewust de wet, denkt de Arbeidsinspectie - NRC](https://www.nrc.nl/nieuws/2022/11/17/een-op-de-zeven-uitzendbureaus-overtreedt-doelbewust-de-wet-denkt-de-arbeidsinspectie)).

ⁱⁱ A great amount of e.g. newsarticles in the reporting period confirm this view, for example: 'Mogelijk duizenden gevallen van arbeidsuitbuiting van Roemenen in Nederland' [Possibly thousands of cases of labour exploitation of Romanians in the Netherlands], NOS, 2 December 2018 (available at: [Mogelijk duizenden gevallen van arbeidsuitbuiting van Roemenen in Nederland' \(nos.nl\)](https://nos.nl/nieuws/item/mogelijk-duizenden-gevallen-van-arbeidsuitbuiting-van-roemenen-in-nederland)); 'Hoe Oost-Europese migranten worden uitgebuit in Nederland' [How East European migrants are exploited in the Netherlands], NRC, 29 March 2019 (available at: [Hoe Oost-Europese migranten worden uitgebuit in Nederland - NRC](https://www.nrc.nl/nieuws/2019/03/29/hoe-oost-europese-migranten-worden-uitgebuit-in-nederland)); 'Moderne slavernij in Nederland – hoe kan dat?' [Modern slavery in the Netherlands – how is it possible?], NRC, 4 juni 2020 (available at: [Moderne slavernij in Nederland – hoe kan dat? - NRC](https://www.nrc.nl/nieuws/2020/06/04/moderne-slavernij-in-nederland-hoe-kan-dat)); 'Meldingen arbeidsuitbuiting met 70 procent toegenomen' [Reports labour exploitation increased with 70 percent], NOS, 6 September 2021 (available at: [Meldingen arbeidsuitbuiting met 70 procent toegenomen \(nos.nl\)](https://nos.nl/nieuws/item/meldingen-arbeidsuitbuiting-met-70-procent-toegenomen)); 'Positie arbeidsmigranten verbetert, maar wetgeving laat nog op zich wachten' [Position labour migrants improving, but no legislation yet], NOS, 29 October 2022 (available at: [Positie arbeidsmigranten verbetert, maar wetgeving laat nog op zich wachten \(nos.nl\)](https://nos.nl/nieuws/item/positie-arbeidsmigranten-verbetert-maar-wetgeving-laat-nog-op-zich-wachten)).

ⁱⁱⁱ Ombudsman Metropool Amsterdam, 'Onzichtbaar. Onderzoek naar de leefwereld van ongedocumenteerden in Amsterdam en Nederland', Februari 2021 (available at: [Onzichtbaar \(openresearch.amsterdam\)](https://www.onzichtbaar.nl/)); Amnesty

International Wordt Vervolgd, ‘Geen inkomsten en rechten: Het onzichtbare leed in de schaduw economie’, 2 juni 2020 (available at: [Geen inkomsten en rechten: het onzichtbare leed in de schaduw economie - Amnesty International Wordt Vervolgd](#)).

^{liii} According to the National Rapporteur on Human Trafficking, Conny Rijken in NRC, ‘Arbeidsmigranten worden uitgebuit en bedrijven komen ermee weg: ‘de economie staat op een’ [Labour migrants are exploited and businesses get away with it], NRC, 24 oktober 2022 (available at: [Arbeidsmigranten worden uitgebuit en bedrijven komen ermee weg: ‘de economie staat op één’ - NRC](#)).

^{liv} Aanjaagteam Bescherming Arbeidsmigranten, ‘Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland’, 30 oktober 2020 (available at [Geen tweederangsburgers. Aanbevelingen om misstanden bij arbeidsmigranten in Nederland tegen te gaan | Rapport | Rijksoverheid.nl](#)); Rijksoverheid, Jaarrapportage arbeidsmigranten 2021 and 2022, 17 December 2021 and December 2022 (available at: [Jaarrapportage arbeidsmigranten 2021 | Rapport | Rijksoverheid.nl](#) and [Jaarrapportage Arbeidsmigranten 2022 | Kamerstuk | Rijksoverheid.nl](#)).

^{lv} Parliamentary Letter from Minister of Social Affairs and Employment, ‘Arbeidsmigratie en sociale zekerheid’, 11 januari 2023 (available at: [Kamerbrief Jaarrapportage arbeidsmigranten 2022 en aanverwante toezeggingen | Kamerstuk | Rijksoverheid.nl](#)); Dutch Labour Inspectorate, ‘Multi-year plan labor inspection 2023-2026’, 25 November 2022 (available at: [Meerjarenplan 2023-2026 | Jaarplan | Nederlandse Arbeidsinspectie \(nlarbeidsinspectie.nl\)](#)); Other plans are in the pipeline such as e.g. the possible overhaul of the legal definition of exploitation. See Governmental Newsarticle, ‘Wetsvoorstel: Betere bescherming tegen mensenhandel’ 28 February 2022 (available at: [Wetsvoorstel: Betere bescherming tegen mensenhandel | Nieuwsbericht | Rijksoverheid.nl](#)); The Council of State argued that this Bill should be better elaborated. See Council of State, ‘Opinion on draft bill to modernize and expand criminalization of human trafficking’ 10 May 2023, 2023/23 (available at: [Wetgevingsadvies 2023 \(rechtspraak.nl\)](#)); Another example is that the government is planning to create a mandatory certification system for employment agencies, which is expected to take effect in 2025. See e.g. ‘Positie arbeidsmigranten verbetert, maar wetgeving laat nog op zich wachten’ [Position labour migrants improving, but no legislation yet], NOS, 29 October 2022 (available at: [Positie arbeidsmigranten verbetert, maar wetgeving laat nog op zich wachten \(nos.nl\)](#)).

^{lvi} Rijksoverheid, Jaarrapportage arbeidsmigranten 2021 and 2022, 17 December 2021 and December 2022 (available at: [Jaarrapportage arbeidsmigranten 2021 | Rapport | Rijksoverheid.nl](#) and [Jaarrapportage Arbeidsmigranten 2022 | Kamerstuk | Rijksoverheid.nl](#)).

^{lvii} Several recent media items e.g. ‘Arbeidsmigranten worden uitgebuit en bedrijven komen ermee weg: ‘de economie staat op een’ [Labour migrants are exploited and businesses get away with it], NRC, 24 October 2022 (available at: [Arbeidsmigranten worden uitgebuit en bedrijven komen ermee weg: ‘de economie staat op één’ - NRC](#)); NOS, ‘Politie sluit ‘mensonwaardige’ huisvesting arbeidsmigranten in grensgebied’ 13 December 2022 (available at: [Politie sluit ‘mensonwaardige’ huisvesting arbeidsmigranten in grensgebied \(nos.nl\)](#)); Trouw, ‘Minister Karien van Gennip: ‘De omstandigheden van arbeidsmigranten zijn Nederland onwaardig’ 28 November 2022 (available at: [Minister Karien van Gennip: ‘De omstandigheden van arbeidsmigranten zijn Nederland onwaardig’ \(trouw.nl\)](#)); Labor Union FNV, ‘Kabinet en werkgevers nu aan zet, situatie arbeidsmigranten slechter dan ooit’ 31 mei 2022 (available at: [Kabinet en werkgevers nu aan zet, situatie arbeidsmigranten slechter dan ooit - FNV](#)); Labor Union FNV, ‘FNV overhandigt vrijdag boek met schokkende inkijken in werk- en woonomstandigheden van arbeidsmigranten aan minister Van Gennip’, 4 oktober 2022 (available at: [FNV overhandigt vrijdag boek met schokkende inkijk in werk- en woonomstandigheden van arbeidsmigranten aan minister Van Gennip - FNV](#)); A. Sboczyk & J. Cremers, ‘De woon-, werk- en leefsituatie van arbeidsmigranten in Nederland’ [The housing, living and working conditions of labour migrants in the Netherlands: The results of the 5th labour migrant panel], *Het Kenniscentrum Arbeidsmigranten 2023* (available at: <https://research.tilburguniversity.edu/en/publications/de-woon-werk-en-leefsituatie-van-arbeidsmigranten-in-nederland-de>).

^{lviii} ‘Een op de zeven uitzendbureaus overtreedt doelbewust de wet, denkt de arbeidsinspectie’ 17 november 2022 [One out of seven employment agencies knowingly breaches the law, labour inspection suspects], NRC, 17 November 2022 (available at: [Een op de zeven uitzendbureaus overtreedt doelbewust de wet, denkt de Arbeidsinspectie - NRC](#)); Algemene Rekenkamer, ‘Daders vrijuit, slachtoffers niet geholpen’, 28 September 2021, (available at: [Daders vrijuit, slachtoffers niet geholpen | Rapport | Algemene Rekenkamer](#)); FNV and

CoMensha argue that the say that the article of law criminalizing labor exploitation is not correctly applied in NL. Labor exploiters thus barely get to court while the number of reported victims increases. See NRC, ‘Arbeidsuitbuiters worden nauwelijks aangepakt door slechte naleving van de wet’, 19 Octobre 2022 (available at: [Arbeidsuitbuiters worden nauwelijks aangepakt door slechte naleving van de wet - NRC](#)).

^{lix} The ministry of social affairs has recently noted that “the situation of migrant workers who are dependent on abusive employers or living in substandard housing has not yet improved sufficiently.” See Parliamentary Letter from Minister of Social Affairs and Employment, ‘Arbeidsmigratie en sociale zekerheid’, 11 januari 2023 (available at: [Kamerbrief Jaarrapportage arbeidsmigranten 2022 en aanverwante toezeggingen | Kamerstuk | Rijksverheid.nl](#));

^{lx} Committee on Economic, Social and Cultural Rights, General Comment no. 23, 7 April 2016, UN doc E/C.12/GC/23, para 47e.

^{lxi} Committee on Economic, Social and Cultural Rights, General Comment no. 23, 7 April 2016, UN doc E/C.12/GC/23, para 59.

^{lxii} Committee on Economic, Social and Cultural Rights, General Comment no. 11, 7 April 2016, UN doc E/C.12/GC/23, para 13.

^{lxiii} Wet van 23 juni 2021 tot wijziging van een aantal onderwijswetten in verband met verduidelijking van de burgerschapsopdracht aan scholen in het funderend onderwijs, Staatsblad 2021, 320, see: <https://zoek.officielebekendmakingen.nl/stb-2021-320.html>

^{lxiv} Dutch Inspectorate of Education, ‘Peil.Burgerschap einde basisonderwijs 2019-2020’, 9 March 2022, p. 14, see: <https://www.onderwijsinspectie.nl/onderwerpen/burgerschap/nieuws/2022/03/09/burgerschapsonderwijs-op-basisscholen-moet-verder-ontwikkeld-worden>.

^{lxv} Dutch National Youth Council, ‘Het geluid van de nieuwe generatie. Inbreng van Nederlandse jongeren op de List of Issues voor het VN-Kinderrechtencomité, July 2019, p. 8, see: .

^{lxvi} F. de Kort, ‘Human rights education in social studies in the Netherlands: A case study textbook analysis, *Prospects* 47 (2017), p. 55–71, see: <https://doi.org/10.1007/s11125-018-9431-3>.

^{lxvii} See: <https://njcm.nl/actueel/pleidooi-voor-mensenrechteneducatie-op-nederlandse-scholen/>

^{lxviii} *Id.* p. 52-57.

^{lxix} *Id.* p. 71.

^{lxx} C. Homan, KNMI Klimaatbericht, ‘Klimaatverandering op de Caribische Eilanden’, 01 september 2017. See: <https://www.knmi.nl/over-het-knmi/nieuws/klimaatverandering-op-de-caribische-eilanden>

^{lxxi} Kamerbief nr. 2022-0000597390 ‘Reactie verzoeken vaste Kamercommissie KR naar aanleiding van brief Greenpeace over klimaatverandering Bonaire en onderzoek IVM en VU naar klimaatverandering Bonaire’. 17 November 2022. See: <https://open.overheid.nl/documenten/ronl-160557a98ce651ee28b8a69be7f9850d5a69a7ac/pdf>

^{lxxii} Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Netherlands, 6 July 2017, UN Doc. E/C.12/NLD/CO/6, para. 22.

^{lxxiii} Centraal Bureau voor Statistiek, Monitor Loonverschillen mannen en vrouwen 2020, para. 1 and 2 (available at: <https://www.cbs.nl/nl-nl/longread/aanvullende-statistische-diensten/2022/monitor-loonverschillen-mannen-en-vrouwen-2020>).

^{lxxiv} *Ibid.* para. 1. When comparing hourly wages of men and women with similar jobs, and background characteristics, such as age, experience and education level, the pay gap was still 6% in the private sector and 3% in the public sector. See, *Ibid.* para. 2.

^{lxxv} *Ibid.* para. 1 (figure 1.1) and 2 (figure 2.1).

^{lxxvi} *Ibid.* paras. 2 and 5.

^{lxxvii} College voor de Rechten van de Mens, Hoe gender(on)gelijk is Nederland? Vrouwen in leidinggevende functies, 11 May 2022; Centraal Bureau voor Statistiek, Emancipatiemonitor 2022, para. 5.2 (available at: <https://longreads.cbs.nl/emancipatiemonitor-2022/werken-en-zorgen/>). For example, 35 percent of man and 16 percent of women in the Netherland think that a woman is more suitable to take care of children than a man.

^{lxxviii} European Commission, Paternity and parental leave policies across the European Union, 2018, page 5.

^{lxxix} Articles 4:2, 4:2a and 4:2b of the Wet arbeid en zorg.

^{lxxx} Articles 6:1 and 6:3 Wet arbeid en zorg.

^{lxxx} In its coalition agreement presented on 15 December 2021, the Government announced its plan to increase the childcare allowance to 95% for working parents in 2025. However, in April 2023, the Government decided to postpone this plan until 2027.

^{lxxxii} Centraal Bureau voor Statistiek, Emancipatiemonitor 2022, para. 5.1 (available at:

<https://longreads.cbs.nl/emancipatiemonitor-2022/werken-en-zorgen/>).

^{lxxxiii} Available at:

<https://www.tweedekamer.nl/kamerstukken/wetsvoorstellen/detail?id=2019Z04407&dossier=35157>

^{lxxxiv} Committee on Economic, Social and Cultural Rights, Concluding observations on the sixth periodic report of the Netherlands, 6 July 2017, UN Doc. E/C.12/NLD/CO/6.

^{lxxxv} Council of State, Goedkeuring van het op 10 december 2008 te New York totstandgekomen Facultatief Protocol bij het Internationaal Verdrag inzake economische, sociale en culturele rechten, W02.17.0001/II/K, 1 May 2017 (available at: <https://www.raadvanstate.nl/adviezen/@116935/w02-17-0001-ii/#highlight=W02.17.0001%2fii%2fk>). Note that this advice was only published upon request in June 2022.

^{lxxxvi} Article 94 of the Dutch Constitution requires that a provision of an international agreement be “binding upon everyone” for it to be directly applicable in the Dutch legal order. Typically, social and economic rights have not been seen as “binding upon everyone” by the Dutch courts, as they generally leave much room for policy.

^{lxxxvii} Council of State, Voorlichting over de facultatieve protocollen bij het VN-verdrag handicap en IVESCR en het 3e protocol bij het IVRK, W13.21.0367/III/Vo, 29 June 2022 (available at:

<https://www.raadvanstate.nl/adviezen/@128426/w13-21-0367-iii-vo/>).

^{lxxxviii} Besluit kabinet rond facultatieve protocollen VN-verdrag handicap, IVRK en IVESCR, 26 May 2023 (available at: <https://open.overheid.nl/documenten/69fe2578-f885-42c1-b0ad-6cfd3296099/file>).