

The Hague, October 28, 2022.

Dear Chairman and Members of the Committees SZW and KR,

In an article in "dossiekoninkrijksrelaties.nl"¹ dated October 27, 2022: *Exploring the introduction of anti-discrimination legislation in the Caribbean Netherlands*, the last paragraph struck me: "Since Bonaire, St. Eustatius and Saba became special municipalities of the Netherlands in 2010, successive governments have failed to introduce crucial legislation. That includes equal treatment laws".

Unfortunately, I note that it does not only concern the introduction of new legislation, but also in holding up to the light existing legislation that applies to the BES islands since 10-10-10 as well as the laws of the country of the Netherlands that could have a broader validity, progress is made only sparsely to see where there are *substantially different circumstances* (Caribbean vs. European Netherlands) as a result of which own, island legislation can, may and perhaps even should be applied (or: developed). Or just the opposite: existing BES legislation can be omitted (or: eliminated) because European Dutch legislation can also suffice for the Caribbean Netherlands.

For example, in the context of AOW and AOV, I cannot, with the best will in the world, imagine any compelling circumstances that would justify different social legislation (unless you want to think "badly" and use the premise that the Caribbean Dutchman will have to be disadvantaged compared to the European Dutchman; I want to remain positive and assume that you - and the Cabinet - do not want to think "badly").

Now to the case I would like to present to you. Persons who have accrued AOW for a large part of their working life and have lived and worked for several years, for example, on one of the BES islands - which, for reasons unknown to me, are classified as "foreign" - will have their final AOW benefit cut by two percent per year in the "foreign country."

If they worked in the Caribbean Netherlands during that period, then AOV is accrued as a result (AOV is the Caribbean Dutch variant of AOW). Admittedly not the full AOV, because only a limited number of years were worked there, and because the retirement age is lower there than in the European Netherlands.

It then turns out that when moving (back) to the European Netherlands - I have some difficulty using the terms emigration or immigration for this - the AOV benefit is further reduced precisely because of not living (anymore) in the BES area. In short, where you might still think that the AOV benefit is a kind of compensation for the missed AOW years, in fact there is a double cut.

¹ <https://dossierkoninkrijksrelaties.nl/2022/10/27/verkenning-invoering-anti-discriminatiewetgeving-in-caribisch-nederland/>

I think it would all be a lot simpler and - more important! - fairer if no distinction between AOW and AOV were made here. In other words: throughout the Netherlands (both European and Caribbean) there should, in my opinion, be one AOW (without reduction).

After all, "at the bottom of the line" one has not left the Netherlands, other than moving back and forth a bit between the European, Caribbean and then again the European Netherlands, but there does appear to be a double discount: on the AOW benefit and subsequently also on the AOV benefit from the Caribbean Netherlands.

Lately I do see a movement in the right direction by which I mean that there are gradually fewer laws that only apply to the BES islands. But at the same time, there are still 574 of them. For almost all of these laws it is unclear - because not made explicit - why these laws exist; in other words: what circumstances are so essentially different from those in the European Netherlands that "own" legislation is necessary.

All this under the motto "comply or explain" (noting that it could also be the other way around: that Caribbean legislation could be "better" than the European Dutch; consultation between and input by both the Netherlands in this area is currently totally inadequate).

Finally, a point that was reported yesterday in the Central Committee on St. Eustatius: it concerns the recent CAO with a salary increase effective January 2023 of 4.75% for employees of the Rijksdienst Caribisch Nederland (RCN). Some time ago it was agreed that the CAO of the employees of the Public Entities would follow the CAO for RCN.

Naturally, I therefore assume that it will soon be published that this increase will also apply to the employees of the Public Entities (whereby the increase in personnel costs will be borne by the European Netherlands).

Finally, I express the wish that also for the very lowest incomes the subsistence minimum will be "straightened" in the short term in one go and not in stages. Whereby I simply assume that by "straighten" is meant "set at European Dutch level".

Yours sincerely,

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cc: *National Ombudsman*