



**Convention on the Elimination  
of All Forms of Discrimination  
against Women**

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**Committee on the Elimination of Discrimination  
against Women  
Forty-fifth session**

**Summary record of the 917th meeting**

Held at the Palais des Nations, Geneva, on Thursday, 27 January 2010, at 3 p.m.

*Chairperson:* Ms. Gabr

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(*continued*)

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*The meeting was called to order at 3 p.m.*

**Consideration of reports submitted by States parties under article 18 of the Convention** (continued)

*Fifth periodic report of Netherlands* (continued) (CEDAW/C/NLD/4/Add.2; CEDAW/C/NLD/5 and Add.1 and 2; CEDAW/C/NLD/Q/5 and Add.1; HRI/CORE/1/Add.66)

1. *At the invitation of the Chairperson, the delegation of the Netherlands resumed places at the Committee table.*

*Articles 1 to 6* (continued)

2. **Ms. Dijkma** (Netherlands) said that the delegation would attempt to answer all questions raised by members of the Committee. In response to Ms. Šimonović, she said that gender identity was not specifically mentioned in the Equal Treatment Act but that the issue was covered therein in a general manner. She wished to make it clear that the Netherlands did not maintain any reservations to the Convention, nor had it made any interpretative declarations regarding it; it had, however, issued a note stating that the Convention applied to all three countries comprising the Kingdom.

3. Female genital mutilation was considered to constitute serious child abuse and was an offense punishable by a maximum prison term of 12 years, even if committed abroad. The Government had implemented preventive and punitive measures to address the problem, and a pilot project was being tested under which parents could voluntarily declare that they would not subject their daughters to genital mutilation outside the Kingdom.

4. She drew attention to three examples of special temporary measures that had been taken to promote equality. First, in order to reach its goal of a minimum of 25 per cent of women in senior civil service posts by 2011, the central Government had made use of networks, recruitment agencies and a programme of action to promote female candidates. Secondly, a programme had been established to increase the percentage of women professors, for which €4 million had been earmarked as of 2009 for subsidies to universities that hired more female associate professors. Thirdly, the 1001 Strengths programme granted certificates through accreditation of prior learning to women belonging to ethnic minorities.

5. Replying to questions on human trafficking, she said that the Government was seeking to establish bilateral agreements with source countries to fund and offer technical assistance and training for law enforcement authorities and that projects had also been developed to improve border security to counter all forms of trafficking.

6. Concerning the question raised by Mr. Bruun on public procurement, she noted that in 2002 the Netherlands had been one of the countries to initiate the discussion in the European Union on incorporating social standards in procurement policies; however, such a move had been rejected by Brussels. The Government was committed to 100 per cent sustainable procurement, whereby all goods and services must comply with United Nations environmental and social standards, including those relating to gender equity.

7. Lastly, replying to a question on witness protection, she said that while victims of trafficking were given protection as necessary, they were not currently covered by the existing witness protection programme, although that possibility was not excluded.

8. **Mr. Licher** (Netherlands), addressing the issue of gender equality targets, said that the Government was close to achieving the target of 65 per cent participation in the labour market for women working more than 12 hours a week. After some stagnation, there had been a rapid increase over a three-year period despite the economic crisis, and many more

women were involved in full-time work. While the goal set in 2000 of economic independence for 60 per cent of all women was still unmet, and a mid-term review to be undertaken in 2010–2011 would set new targets based on more recent statistics and trends.

9. **Ms. Dijkma** (Netherlands) said that the increase in the number of children in childcare facilities from 100,000 to 700,000 over the last decade showed a cultural shift in the perception of women in the workplace. More women wanted to work full time and the Government did its best to support them.

10. **Ms. Leeftang** (Netherlands) said that the Netherlands Antilles and Aruba took pride in their autonomy to guarantee human rights and freedoms under the Kingdom Charter; only when one of the constituent countries did not comply with the Convention or other international treaties did the Netherlands intervene. Under the current constitutional reform, almost 70 per cent of the national debt of the Netherlands Antilles had been generously absorbed by the central Government, which gave the country further scope in its budget to implement social and education reform measures. With good governance, the Netherlands Antilles would be in a position to comply with its obligations under international treaties. Article 38 of the Kingdom Charter, which provided for cooperation agreements among the three countries comprising the Netherlands, would be invoked only if a country lacked the necessary expertise or resources.

11. **Ms. Hooyboer-Winklaar** (Aruba), replying to Ms. Šimonović, said that the Convention was incorporated in Aruba's legal system and that articles in the Dutch Constitution on the applicability of treaties made that possible. However, she admitted that the country still had much to do to ensure that the Convention "lived" in Aruba, and she would personally lead the drive to make that happen upon the delegation's return. Change could only begin with those in a position to implement change, and it was the Government's role to establish priorities before they could gradually be embraced by other departments.

12. In response to Ms. Belmihoub-Zerdani's question on resource allocation, she reiterated that Aruba was an autonomous country with an independent budget; however, while the current economic crisis was likely to lead to budget cuts in some social areas, women's rights and human rights in general would continue to be a priority for her Ministry.

#### *Articles 7 to 9*

13. **Ms. Rasekh** welcomed the high level delegation and said that the presence of so many women was a sign of progress, political will and the importance that the Government attached to the Convention. She asked how, in the absence of quotas, the Government was able to measure and monitor women's equal and fair participation in both the public and private sectors. She noted in particular that the number of women in the areas of national security and defence was low. Believing that greater female involvement in those areas would lead to less international conflict, she wished to know what measures were in place to increase the number of women in those sectors. According to the State party's report, the number of women in key decision-making positions was low but rapidly increasing. However, a European Union report indicated that while women had occupied 31 per cent of ministerial-level posts in 2005, the figure had dropped to 22 per cent in 2009. She asked whether there were any measures to address that decline.

14. Furthermore, on page 71 of the State party's report it was stated that the Cabinet aimed to increase the percentage of women in top positions to 30 per cent by 2011. She wondered why the target set had not been 50 per cent. Alternative sources indicated that the Government had lowered its targets for equal political representation, and she wanted to know why it had done so and if any measures were contemplated to remedy that situation.

According to the report, less than 20 per cent of ambassadors were women; might that be the result of a shortage of women in the diplomatic field? Lastly, while commending the Netherlands for sponsoring an international conference on women in Afghanistan in March 2009, she asked why there had been no female Afghan keynote speakers despite pressure brought to that end by NGOs.

15. **Ms. Murillo de la Vega** commended the high-level delegation and the State party's reports, which depicted women as a talented, well-trained demographic majority. She noted that, according to the report, the Netherlands had a stable Parliament that could call upon the Government and enact legislation notwithstanding women's low level of political representation, and she wondered whether the use of quotas might not help to raise that level. It was not any single political party but the Government as a whole that must bring about reform: electoral legislation must be changed in order for women to participate fully.

16. She asked how many Queen's Commissioners were women and what measures they could take to increase the number of women in political life. She also wished to know how many women were members of the Senior Public Service Bureau. She then observed that, owing to a lack of consultation with NGOs in the preparation of the Cabinet's 2007 Coalition Agreement, women were portrayed in that document as mothers, victims of violence, unemployed persons or members of ethnic minorities rather than as persons who, constituting a demographic majority, were entitled to greater opportunities for work and success. Accordingly, she wished to know how the Government intended to ensure systematic and ongoing consultation with NGOs. Lastly, she commended the web page on emancipation prepared by the Ministry of Education, Culture and Science but pointed out that there was no reference to equality in the English version.

17. **Ms. Dijkma** (Netherlands) said that she did not have information regarding the specific figures cited by Ms. Rasekh; however, according to the latest statistics, women made up 41.3 per cent of Parliament, 34.7 per cent of the Senate and 40 per cent of the total Government. Women were already in the majority at the junior minister level, holding 63.6 per cent of all posts, while the figure stood at between 20 and 30 per cent at the local government level. She agreed that the percentage should be higher, given the country's demographics, but pointed out that targets were set based on their attainability. Nevertheless a conscious effort was being made by political parties to increase the number of women members.

18. The Ministry of Internal Affairs was responsible for statistics relating to the private sector, and she would try to obtain relevant information for the Committee. She admitted that more effort was needed in the private sector and in academia and that the glass ceiling must be broken.

19. With regard to women in the defence sector, she said that the Ministry of Defence operated a programme to attract more women to the army. With respect to the number of women in the diplomatic service, she said that no data was available; however, she noted that more and more women were studying international relations at university with high success rates.

20. **Mr. Dijksterhuis** (Netherlands), replying to Ms. Rasekh's question regarding the absence of Afghan spokeswomen at the international conference on Afghanistan, explained that the organizers of the conference had become aware of the problem only when drafting the agenda, and he apologized for that oversight.

21. **Ms. Dijkma** (Netherlands), replying to Ms. Murillo de la Vega, said that the issue of quotas was currently the topic of political debate. Under the Equal Treatment Act, women were given preference whenever they were as qualified as other candidates. However, Parliament was expected to begin a debate on legislation to establish quotas. Her

delegation was currently unable to provide information on the number of women in the Senior Public Service Bureau but would endeavour to do so.

22. As to the portrayal of women in the Coalition Agreement, she said that women were seen not only as mothers or in terms of equal access to the labour market, but as individuals having their own value. That view was important to the Dutch Government, which tried to reflect it in its policies, particularly in the field of education. Education was not only a foundation for careers but an opportunity for personal development. Girls were given every opportunity to develop and in fact often outperformed boys at school. The challenge was to encourage girls not only to do well academically but also to seize opportunities and make their own choices in life. Doing so was a matter of political and individual will, and she believed that the female members of her delegation and the Committee could serve as models in that regard.

*Articles 10 to 14*

23. **Ms. Bailey** expressed concern that girls' educational lead over boys in the Netherlands did not necessarily translate into a better position in later life, as structural barriers often prevented women's advancement. While the overall gender gap in education had closed, course selection remained too gender-bound, with women choosing options that restricted their future earnings potential. While the report referred to several government initiatives aimed at attracting more women into science and technology, an alternative source mentioned a 2008 parliamentary enquiry on educational reforms that had revealed an increase in gender segregation, particularly at the pre-university level. She requested an explanation of that discrepancy. Noting that the report lacked information on the profile of female early school-leavers, and specifically on whether race was a contributing factor, she requested information on measures to reduce the dropout rate among students from vulnerable groups. She also sought information on vocational training, particularly for girls who left school early, that might reduce the risk of subsequent exclusion from employment or entrepreneurial opportunities. Noting that the impact of the lifelong learning programme might be restricted by its narrow focus, which excluded economically inactive and retired women, she urged the Government to consider extending the programme's scope to encompass all forms of formal and informal learning that would enable women to function not only in the labour market but also in the broader social environment. She urged the State party to confirm that it had successfully addressed the deficiencies in the flow of information on the provision of childcare, which had been cited as an obstacle to continuing education for mothers, especially single mothers.

24. She requested information also on the profile of early school-leavers in the Netherlands Antilles and wished to know in particular whether the National Ordinance on Compulsory Education was improving the situation for girls there. Information on measures to address the continuing problem of gender segregation in course selection would also be welcome. She likewise requested an update on the status of the National Ordinance on Compulsory Education in Aruba and suggested that Aruba should include more gender-disaggregated data on education in its next report.

25. **Ms. Zou Xiaoqiao** enquired about evaluation mechanisms to monitor the implementation of remedial measures to address gender segregation, including the use of quotas in disciplines where female enrolment was low. She also asked whether the 15 per cent target for female professors would be achieved in 2010 and why the State party had not adopted the 20 per cent threshold recommended by the European Union as its target.

26. **Mr. Bruun** said that he had doubts as to whether the Netherlands was taking its obligations to ensure equality in employment seriously enough, especially since its report dealt with article 11 in the same section as article 4 – a mysterious decision, in his view, given that temporary special measures were hardly a feature of the Dutch private labour

market. The fact that the proportion of women working part time had increased to more than 75 per cent was a source of concern, and while the Part-timePlus Task force was a good initiative, its focus appeared to be research and communication rather than the development and implementation of concrete action plans. Information on possible legislative measures, such as the introduction of priority rights to full-time posts, would therefore be appreciated.

27. He queried the use of an economic concept referred to as the corrected pay gap, which placed the figure for the Netherlands at 7 per cent, whereas the eurostat figure for 2007 was 23.6 per cent, and he noted that conceptual adjustments could not hide the problem of unequal pay. He was also concerned by reports that no observance of Equal Pay Day was planned for 2010. Lastly, he enquired about government measures to address the high percentage of unemployed and low-paid women and asked if there were any plans to review the situation of domestic workers who were not protected under social security and labour legislation.

28. **Ms. Patten** said that she, too, was concerned by the pay gap issue and asked the State party to clarify what types of positions might be included in the Gender-Neutral Function Evaluation mentioned on page 51 of the report. She would also like more information on the Health and Safety Inspectorate's new anti-discrimination mandate and the related budget allocation. Citing reports that many large companies still did not have proper procedures for dealing with complaints of discrimination, she asked what steps the Government had taken to encourage the introduction of such procedures and raise employees' awareness of their labour rights. Information on the legal and social protection available to home-based female workers and on the impact of the Childcare Provisions Act would also be welcome. Lastly, in view of reports that women of non-Dutch heritage were underrepresented in the female workforce but over-represented in elementary and low-paid professions, she asked what steps the Government was taking to enhance their participation in employment and in decision-making in general.

29. **Ms. Murillo de la Vega** welcomed Dutch women's success in securing male participation in household chores but noted that economic independence was as important as domestic emancipation. Since that independence was linked to income, the large proportion of women working part time was thus a grave concern. Accordingly, she suggested that a network of ambassadors drawn from NGOs and the private and public sectors should be established to encourage companies to voluntarily undertake to apply principles of equality — although not, she wished to stress, via quotas — and to back that undertaking up with good practice and good governance guidelines. Lastly, she enquired about the average pension received by part-time workers and whether any specific plans existed to ensure equality in the workplace.

30. **Ms. Pimentel** voiced concern about reports that refugee, migrant and ethnic minority women faced multiple discrimination, including in obtaining access to health care. She recalled that on the occasion of the universal periodic review of the Netherlands in May 2008 the Human Rights Council had recommended that the Netherlands should review its legislation in order to protect the fundamental rights of all persons, irrespective of their status. In that connection, she asked the State party to provide additional information on health-care provisions for a number of specific minority groups, including elderly women, women with disabilities, women living with HIV/AIDS, and lesbians. The higher death rate among minority women and children, a higher-than-average abortion rate, reports that migrant and undocumented women did not enjoy universal access to health services and the acknowledgement that lesbians' vulnerable position in society made them more susceptible to health problems made the provision of such disaggregated data essential. Lastly, she urged the Government to reverse the policies that barred State funding for breast implants

for transgender women and made sterilization a prerequisite for legal recognition of a sex change.

31. **Ms. Arocha Domínguez** asked the State party to consider producing a single report in future, as that would greatly facilitate the Committee's work. To that end, she urged the Netherlands to consider the approach taken by other States with autonomous territories that had administrative responsibility for application of the Convention.

32. She noted that the majority of women in the Netherlands who had been diagnosed with AIDS in 2006 belonged to ethnic minorities and that the main focuses of the Government's anti-AIDS strategy were early diagnosis and treatment. She therefore wished to know what strategies had been developed to ensure that the worst affected groups benefited from those efforts. She had been disappointed that Aruba's report did not contain the detailed statistical information on HIV/AIDS specifically requested by the Committee in 2007, and she therefore reiterated that request. The report of the Netherlands Antilles, in contrast, contained abundant statistical information regarding HIV/AIDS but lacked an evaluation of the underlying causes of HIV infection and measures to address them. Given that the Caribbean had the fastest growing rate of infection after sub-Saharan Africa and that the rate of new infections among women was more than double the rate in Europe, more exhaustive data from Caribbean countries was essential. She was also concerned that women accounted for the majority of new infections in the 15–24 age group, and consequently wished to have details of government education and awareness-raising campaigns targeting that group.

33. **Ms. Rasekh** said that she had been alarmed to learn from a shadow report that pregnant women travelling through airports who were suspected of drug trafficking had on occasion been detained for several days because their condition precluded the requisite body scan. She asked why the Government was not considering the installation of other equipment, such as ultrasound, to eliminate the risk of radiation or imprisonment. Moreover, information available to the Committee indicated that a complaint regarding such detention had been lodged with the national Ombudsman's Office, and she urged the State party to look into the matter.

34. **Ms. Zou Xiaoqiao** said that although she recognized that the Netherlands did not have rural areas in the strict sense, it was unfortunate that the report contained only limited information on rural women, and she urged the State party to include more detail on that subject in its next report. Alternative sources had identified isolation problems among elderly rural women deriving from a lack of public transport and community involvement. In addition, the report acknowledged that income and employment levels among rural women were generally low. Information on specific schemes to improve the quality of life of the elderly and on training opportunities and the availability of microcredits for start-up businesses would be particularly welcome, as would details of the legal assistance available to rural victims of domestic violence.

35. **Ms. Dijkma** (Netherlands) acknowledged that there was a correlation between the age at which career choices were made and youth unemployment. In fact, youth unemployment was relatively low in the Netherlands, where children made specialization choices earlier. The Government was countering traditional, gender-based career choices through a number of projects and initiatives intended to promote the study of science and technical subjects amongst girls and to break down stereotypes at all levels of formal education.

36. Government statistics showed that there had been a significant increase in the proportion of girls opting for technical subjects in secondary schools since 2004, as a result of educational reforms. She acknowledged that there was still room for improvement, particularly with regard to girls from ethnic minorities. Vocational training programmes

were planned, and government policy would be informed by collaboration with the ECHO centre for diversity policy and other NGOs.

37. The total number of school dropouts in 2009 was down by 4,000 compared with the number for 2008, with the majority of them boys. That did not detract from the importance of the issue, however, as every child had the right to an education.

38. Government policy was to encourage women to return to work or undertake full-time studies, and municipalities did everything they could to facilitate that. Accordingly, female university students with children enjoyed access to childcare at the municipal level. With regard to access to funds provided by trade unions and businesses for workers' education and development, she said that roughly the same number of women and men made use of such funds.

39. Replying to Mr. Bruun's question, she said that the Government had decided, in conjunction with all stakeholders, not to celebrate Equal Pay Day in 2010, as targeted media coverage of the event needed to be improved.

40. There was currently a great deal of debate as to whether free choice for women meant being able to stay at home and look after their children or going out to work full time. The Government took that issue seriously, encouraging women to work full time to ensure their financial independence and for the benefit of society as a whole. Nevertheless, it was the role of the State to enable women to choose freely in such matters; women should thus have the option of working part time if they wished.

41. She recalled that women tended to work in low-paid sectors, where the difference between salaries for women and men was negligible. It was when women worked in higher-paid sectors of the economy that differences became more noticeable. The Government had set up a task force to promote women's participation in the labour market and a work-life balance. The Ministry for Youth and Families had developed a quality mark for family-friendly companies, and a corporate governance charter encouraged businesses to introduce quotas for women in senior positions; approximately 100 of the biggest companies in the Netherlands had already endorsed the charter. Statistics on differences in income between men and women would be included in the next report. She attributed the difference between the statistics on wage gaps provided by the State party and those of the European Union to the different criteria used in such studies.

42. Domestic workers were indeed covered by social security provisions, but there were not many work opportunities for the unskilled, and the large informal market for domestic services was usually made up of low-skilled or ethnic minority women. Legislation had been introduced to integrate those workers in the formal labour market and ensure that employers paid social security contributions and minimum-wage salaries. Monitoring had been carried out to ascertain the levels and nature of discrimination within the labour market. The Government was taking steps to change the attitudes of both employers and immigrant workers.

43. With regard to health care, she said that women belonging to ethnic minorities tended to be in poorer health than other women, largely because of their lower socio-economic status. To combat that health deficit, steps had been taken to monitor the health of such women. A study on the impact of work and social participation on health was also being conducted. While health services were free for everyone in the Netherlands, including illegal immigrants, minorities and migrants tended to use health centres differently.

44. A bill was under consideration to modify existing legislation which stipulated that the gender of transgender individuals was legally recognized only if they had been sterilized. The decision to stop reimbursing the cost of breast implants for transgender persons under the basic health insurance scheme had been in force since 1 January 2006 and had been taken in the light of financial constraints, as such surgery was considered

secondary. Moreover, such procedures were no longer reimbursed for any women. However, discussions with insurers and NGOs on the matter were ongoing.

45. Turning to the incident mentioned by Ms. Rasekh, she said that in cases where pregnant women were suspected of drug trafficking, ultrasound scans were not generally used, as they could not definitively rule out the presence of drugs within the woman's body. Although full body scans had been found to be harmless, the authorities wished to avoid any risks and did not therefore subject pregnant women to such scans. She was not aware of the case highlighted by Ms. Rasekh, but she wished to emphasize that checks were carried out only of individuals suspected of drug trafficking.

46. Extensive data on HIV/AIDS were available and published regularly. Such information would be included in the next periodic report.

47. The isolation of elderly women was being studied by the Government, with the support of NGOs, but living in a rural area was not the cause of isolation, given that the Netherlands was a very small country and that reduced fares for persons over the age of 65 were available on public transport. Municipalities also operated a number of programmes for the elderly. She acknowledged that the number of elderly women living in poverty had increased, as such women had usually not worked as long when they were younger as urban women had, and they therefore received a smaller pension. However, a basic State pension was available to all. The incidence of domestic violence was the same and cases were dealt with in the same way in both rural and urban areas.

48. **Ms. Leeftang** (Netherlands) said that the Government of the Netherlands Antilles was monitoring school absenteeism, as it was often a precursor to dropping out. The next report would therefore highlight any trends detected. It should be noted that teenage pregnancy rates had fallen since education had been made compulsory up to the age of 18 years. At the university level, it was only in technical faculties that male students were in the majority. The issue of gender segregation in secondary schools would be addressed in the next periodic report of the Netherlands Antilles.

49. With regard to HIV/AIDS, she said that local culture dictated that contraception was not widely available or used in the Netherlands Antilles. However, in December 2009 a protocol had been signed between medical centres and pharmacies to reduce the cost of HIV treatment, as the cost of medicines in the Netherlands Antilles currently stood at roughly \$1,500 per patient as opposed to an average of \$144 in other countries in the region. Reducing the cost of treatment would make it possible to invest more in prevention campaigns. Negotiations were also under way with the pharmaceutical industry to renegotiate prices and promote the use of generic medicines.

50. Microcredit services had been introduced on a very small scale, as businesses benefiting from such loans required a lot of follow-up to make them viable. It was hoped that that scheme would be extended.

51. **Ms. Hooyboer-Winklaar** (Netherlands) said that the draft National Ordinance on Compulsory Education in Aruba had not yet been adopted, but that it would be a priority for the new Government. Statistics on education in Aruba were available and would be included in future reports.

52. She regretted that statistics on HIV/AIDS had not been available at the time the report had been prepared. Data had since been compiled and would be included in future reports, along with information on steps taken to combat and prevent HIV/AIDS.

53. With regard to the use of microcredits, she added that the situation in Aruba was similar to that in the Netherlands Antilles. The Government planned to do more in the future to promote the use of microcredits and disseminate information on that type of financing to the general public.

*Articles 15 and 16*

54. **Ms. Halperin-Kaddari** noted that despite the high levels of gender equality achieved in the Netherlands, many working mothers were still financially dependent on their husbands. She asked what mechanisms existed within the State party to counterbalance any disparity that might exist between the financial situation of women and men in the event of divorce, particularly given the greater earning potential of men, and whether the situation of divorced mothers was monitored.

55. She noted that parents were expected to submit a joint parenting plan to the court before applying for a divorce; however, such a precondition could be open to abuse and delay divorce proceedings. She asked what legal provisions existed to prevent such a situation from occurring and whether the parenting plans were produced by means of mediation. If that was the case, how were the plans prepared when mediation was not possible, such as in cases involving domestic violence?

56. Noting that the number and size of immigrant communities was increasing in the State party, she asked whether there had been a concomitant increase in the number of unregistered marriages or the use of private courts, such as sharia courts. She wondered whether the State party was monitoring such situations and what steps it was taking to counter such developments.

57. **Ms. Awori**, noting that the working group established by the State party to review the law on names had been due to report in 2009, asked the delegation to provide information on the group's findings. She also enquired whether the draft law on children's names under preparation in the Netherlands Antilles had been published and, if so, what steps were being taken to accelerate its enactment. Given that the State party had acknowledged that the law on names in the Civil Code of Aruba was discriminatory under article 16 of the Convention, she asked the delegation to indicate what was being done to bring that law into line with the Convention.

58. Turning to the issue of family reunification, she expressed concern that the increase in the income requirement for applicants from 100 per cent to 120 per cent of the statutory minimum wage would have a negative affect on women. Further information on that issue would be welcome. She also wished to know whether the impact of the 2006 Civic Integration Abroad Act had been evaluated and, if so, whether the Act amounted to discrimination. Lastly, she enquired whether the lowering of the time limit within which refugees could apply for family reunification without having to meet the income requirement from six months to three months might result in discrimination, particularly against women asylum-seekers.

59. **Ms. Hayashi** drew attention to the concluding observations which the Human Rights Committee had issued following consideration of the State party's fourth periodic report to that body (CCPR/C/NLD/CO/4) in which that Committee had recommended that the State party should amend its legislation with a view to removing all provisions which discriminate against children born out of wedlock in matters of inheritance, and asked how the State party had responded to that recommendation. She wished to point out once again that discrimination against children born out of wedlock was tantamount to discrimination against women.

60. With respect to women's right to transmit their names to children born within marriage, she drew the State party's attention to a case brought before the Committee under the individual complaints procedure. Although the Committee had found that the communication was inadmissible because the authors — children who had been unable to use their mothers' names — lacked the quality of victim under article 2 of the Optional Protocol, the decision established that their mothers could be the victims of discrimination on the basis of sex. Given that she perceived similarities between that case and the situation obtaining in the State party, she, too, wished to receive information on the progress of the working group reviewing the law on names.

61. **Ms. Dijkma** (Netherlands) said that the working group established by the Minister of Justice to review the law on surnames would issue its report in 2010.

62. On the subject of divorce, she said that the level of maintenance was established either by negotiation or by the courts, taking into account such factors as income level and whether one partner had enabled the other to have a career. Regarding the mandatory submission of a joint parenting plan to a court prior to a divorce application, she said that in certain specific cases, such as those involving domestic violence, the court could waive that requirement.

63. Turning to the issue of family reunification, she said that the measures relating to the minimum income requirement and the age limit had been adopted in 2004 with a view to preventing forced marriages, enabling applicants to finish their education and limiting access to financial, social benefits.

64. She had no information concerning the existence of sharia courts in the Netherlands, and she reaffirmed the Government's position that such courts were unacceptable and had no jurisdiction in the State party.

65. **Ms. Leeftang** (Netherlands), replying to questions concerning the Netherlands Antilles, said that every effort was being made to publish the law on names before 10 October 2010, when the new constitutional arrangements would enter into force. She noted that the planned legislative amendments would eliminate any existing discrepancies that might inadvertently lead to discrimination against children born out of wedlock.

66. **Ms. Hooyboer-Winklaar** (Netherlands) said that under the Civil Code of Aruba, children born within wedlock bore their father's name unless a specific request was made to the contrary. In the case of children born out of wedlock, amendments to the Civil Code enabling the father to recognize the child even before its birth had been made with a view to providing the child with greater rights, particularly in terms of health-care provision.

67. **Ms. Jaising** expressed concern at the State party's reliance on studies of women's work patterns commissioned by private businesses and urged the Government to treat the conclusions of such studies with great circumspection, in view of the vested interests of those organizations. She noted that the benefits for women of full-time work outside the home could be measured not only in economic terms but also in terms of women's increased socialization.

68. On the question of social security coverage for women involved in home-based work, she noted that many multinational corporations had a deliberate policy of developing home-based, part-time work by women, resulting in a denial of social security benefits to those workers. She therefore wished to know whether the State party would consider introducing a clause into charters it entered into with such companies to the effect that their products would not be accepted unless social security coverage was provided for home-based workers.

69. **Ms. Šimonović**, recalling the Committee's view that the issue of family names should be a matter of choice, in keeping with articles 1, 12 and 16 of the Convention, said that she understood that under the Dutch law on names the father had the ultimate decision regarding the choice of a child's name. Referring to the provision in the Civil Code of Aruba establishing that children acquired their father's surname, she welcomed the Government's acknowledgement that the issue of naming should not be a matter of State imposition but should be based on the best interests of the child.

70. **Ms. Pimentel** welcomed the fact that undocumented women had access to health care and asked whether such women were aware that using those services would not have a negative impact on their status.

71. Referring to the current debate in the Netherlands on the relative merits of part-time and full-time work, she recalled the importance of the first three years of life for a child's

personal development and asked whether the Government had any plan in place to encourage men to take an equal share in child-rearing.

72. **Ms. Dijkma** (Netherlands) said that in recognition of the need to take account of both the economic and the personal development of women, her Government believed that women's access to full-time work should be facilitated to ensure that women had a real choice in the matter. The Government also took into account the issue of women's rights when concluding agreements with businesses regarding home-based work.

73. Regarding the issue of naming, she said that the findings of the working group reviewing the question, which were due to be issued in 2010, would be debated by the Government and in Parliament.

74. With regard to the representation of women at the ministerial level, she said that 63 per cent of junior minister posts were currently held by women; nevertheless, it was important to aim for equal representation in higher-level posts, too.

75. Concerning airport security checks for pregnant women, she said that the Government would look into the case that had been reported to the Ombudsman.

76. Turning to the question of health care for undocumented women, she said that such women were not covered by public health insurance but that emergency treatment was nevertheless provided.

77. **The Chairperson** thanked the State party delegation for its thorough presentation of the three reports before the Committee. She recognized the role that the Netherlands played in promoting the advancement of women nationally and internationally, and expressed the hope that it would continue its efforts in that regard. In view of the fact that 10 per cent of the population of the Netherlands were migrants, she urged the Government to fulfil its responsibilities towards those persons by safeguarding their cultural specificities and eliminating negative stereotypes that impeded their social and political integration. She looked forward to the greater participation of women in the highest-level government posts and urged the State party to continue working to eliminate the gender pay gap. She also called on the Government to accede to a number of international instruments, particularly the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and the Convention on the Rights of Persons with Disabilities. Lastly, with regard to trafficking in human persons, she urged the State party to consider providing shelters for victims.

78. *A film promoting the advancement of women was projected.*

*The meeting rose at 5.45 p.m.*