



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

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**Committee on the Elimination of Discrimination
against Women**

Pre-session working group

Forty-fifth session

January – February 2010

**List of issues and questions with regard to the
consideration of periodic reports**

Netherlands

1. The pre-session working group examined the fifth report of the Netherlands (CEDAW/C/NLD/5).

General

2. While noting with appreciation that the State party subsidises the preparation of the NGO shadow report, the Committee would be interested in receiving additional information on the involvement of governmental and non-governmental institutions in the process of preparing the fifth report of the Netherlands. According to the State party's report (CEDAW/C/NLD/5 page 20), it was decided in 2004 to grant more

funds via project subsidies than via institute subsidies. This change in the subsidy policy reportedly resulted in the cutting of core-funding of a number of institutions and the limitation of the role of NGOs and expertise centres for gender equality and women's human rights. Please indicate whether the Government envisages assessing the impact of this policy change.

3. In the absence of a follow-up report on the implementation of the Convention in the Netherlands Antilles which the Committee requested the State party to submit in January 2008 (CEDAW/C/NLD/4/CO/4 para. 46), the Committee very much regrets that the State party's has still not included in its report information on the Netherlands Antilles and Aruba, even though it has submitted information on both countries to other Committees. The Committee therefore requests the State party to provide comprehensive information on the implementation of the Convention in both countries in a form of a separate report which will be considered at the forty-fifth session of the Committee.

Legislative, policy and institutional framework

4. The Committee notes that the State party continues to consider that it is the responsibility of the judiciary to determine whether a particular provision of the Convention is directly applicable in the legal order although by signing the Optional Protocol to the Convention, it has recognized the individual right of complaint in

relation to all the rights set forth in the Convention. In this context, please indicate how the State party envisages to overcome this legal inconsistency. Please also provide the Committee with the English translation of the letter sent on 10 December 2008 by the Government to the Parliament on the applicability of the Convention.

5. With reference to the State party's indication that the publication of recommendations and views of the Committee is first a matter of private initiative (CEDAW/C/NLD/5 page 22), please explain how the State party complies with its obligation to widely disseminate the Convention. In view of the rather limited promotion of the Convention among the judiciary, please also indicate whether specialized training courses on the Convention have been organized for judges, prosecutors and lawyers.

6. According to the State party (CEDAW/C/NLD/5 page 14), the Minister for Emancipation which emerged from the Cabinet change of 2007 has a managing role in the Dutch realization of the Convention and the Beijing Platform of Action. Please provide information on the human and financial resources allocated to the new Minister for Emancipation to effectively carry out its coordinating role. Please elaborate on the measures already undertaken to meet the conditions announced in the State party's report for a successful implementation of the emancipation policy, in particular those related to a clearer allocation of responsibilities, objectives and resources.

7. Sexual discrimination being now explicitly prohibited by the Equal Treatment Act, please provide information on the measures undertaken by the State party to sensitize the public at large, and in particular women and employers, on the new provisions, especially those about discrimination on the basis of pregnancy, child birth and motherhood (CEDAW/C/NLD/5 page 27). Has the public campaign (CEDAW/C/NLD/5 page 45) aimed at making victims of discrimination more prepared to report the discrimination been organized and has the legislative proposal requiring municipalities to give citizens access to an anti-discrimination facility been adopted? Does the Government envisage to support financially the establishment of anti-discrimination bureaus and how will the State party ensure the quality of the services provided? Please also provide information on the sanctions rendered in the cases of sexual intimidation and undesirable conduct mentioned in the State party's report (CEDAW/C/NLD/5 page 29).
8. Please indicate whether the targets of the Multiyear Equal Treatment Policy Plan (2000), notably those related to the labour market participation of women, the proportion of women economically independent and the contribution of men to care responsibilities are likely to be reached. Has an evaluation of this plan been conducted and if so, to which extent lessons learned from the evaluation have been taken into consideration for the formulation of the Emancipation Memorandum released in October 2007. Please also indicate whether the new Emancipation memorandum takes into consideration the perpetuation of stereotypical gender roles, the unequal gender

power relations by which women are forced into a subordinate position as well as the necessary reconciliation of work and care for both men and women.

Stereotypes and cultural practices

9. Please elaborate on follow-up actions the State party has taken to address the concern expressed by the Special Rapporteur on Violence against Women whereby a false dichotomy between emancipated native Dutch women and oppressed immigrant women is fostered in the public perception. Women and men of immigrant background are categorically stigmatized, either as victims or as perpetrators, which only increases their marginalization.

Domestic violence

10. The Committee notes that in spite of its previous recommendation, the framework in respect of domestic violence is still neutrally formulated, as a consequence of which the State party misses the specificity of violence of men against women and neglects the root causes of violence suffered by women. With reference to the State party's indication (CEDAW/C/NLD/5 page 36) that it is investigating whether a gender specific formulation is advisable, please inform the Committee of any concrete development in this regard.

11. Please briefly describe the results of the analysis, conducted in 2006 (CEDAW/C/NLD/5 page 36) including the scope, nature and characteristics of domestic violence, its victims and its suspects. The Committee is also interested in receiving any preliminary results of the public survey on the nature and scope of domestic violence held in 2008 (CEDAW/C/NLD/5 page 32) and the outcome of the prevalence study on the prevention of domestic violence in the Netherlands mentioned in the State party's report (CEDAW/C/NLD/5 page 44).
12. Please indicate whether the legislation allowing temporary restraining order to be imposed on perpetrators of domestic violence has been adopted? If so, is the counselling process automatically instituted after issuance of a restraining order? How does the State party deal with the concern expressed by women's group that too many cases do not result in a conviction because prosecutors overemphasize reconciliation between the partners and voluntary treatment programmes for offenders?
13. The State party report mentions the availability of legal assistance and free facility to victims of violence and sexual crime only when the victims present serious physical and mental injury (CEDAW/C/NLD/5 page 37). Please elaborate on what preventive and protective measures are available to women at risk of physical and mental abuse. Please provide data on the progress made by the State party to make shelters available for women victims of domestic violence. Does the State party envisage granting residence permits to women victims of violence regardless of their immigration status

and ethnic origin and regardless of whether they can prove that violence occurred by way of an official police report, medical report, report of a woman's shelter or any other means.

14. Please provide data disaggregated by sex and ethnicity on honour-related violence (HRV) and briefly describe the outcome of the project "*honour-related violence in and around the school*" conducted in 2007. Please also indicate what measures were adopted to follow up on the observations of the Special Rapporteur on Violence against Women about the gendered nature and specificities of HRV and the fact that due to these specificities, the protection framework has proven to be inadequate.

Employment, social and economic benefits

15. According to the State party's report (CEDAW/C/NLD/5 page 64), a bigger market for personal services results in more jobs for the less qualified. An additional effect is that people who purchase these personal services have more hours available for the employment market. In this regard, please provide additional information on the situation of women domestic and homecare workers, and in particular whether they receive social security, unemployment and disability benefits, and compensation for health insurance. Please also indicate what impact the introduction of the "Services at home scheme" had on improving the situation of women domestic and homecare

workers. Please indicate whether the State party has assessed the conformity of this scheme with the provisions of the Convention.

16. Please provide data disaggregated by sex, age and ethnicity of the persons who provide care or support to elderly, ill or disabled family members or other relatives, and the obstacles they face regarding their participation in society. In particular, has the State party assessed the impact on the emancipation of women of the Social Support Act's provision according to which household assistance is only provided if there is no one in the family network that can or should provide informal care. Please also supply information on the possible gender impacts of the changes of the Exceptional Medical Expenses Act implemented since January 2009.

17. The State party report indicates that the Netherlands is among the countries where the difference in labour participation (in full time units) between men and women is very large (CEDAW/C/NLD/5 page 61). In this regard, while noting that a range of measures were identified (reduction of the marginal tax and premium burden, working flexible hours and teleworking) as means of increasing women labour participation, please indicate the policy measures the Government has taken to protect the rights of women working part-time in respect of salary, pension and promotion. The Committee would also like to know which temporary special measures have been put in place in accordance with article 4 of the Convention to accelerate the achievement of de facto equality between men and women on the above grounds. Please also explain why the

State party declares itself unable to enforce female positions in universities and why the targets of female professors in the country and abroad remain low and well below the European target generally (CEDAW/C/NLD/5 page 75).

18. Taking into consideration the increase in remuneration discrepancies between men and women (CEDAW/C/NLD/5 pages 85 & 86), please indicate any concrete measures taken by the State party to reduce the salary gap in both private and public sector, and explain how such a gap still exists in the public sector as this undermines the gender equality standards of the Government.

19. The Committee, in its previous concluding observations (CEDAW/C/NLD/CO/4 para 29), urged the State party to reinstate maternity benefits for all women, including self-employed women and female entrepreneurs. This was done in July 2008 after the entry into force of the Work and Care Act. In this regard, please indicate whether the Government has considered introducing a compensation arrangement for those self-employed women who were pregnant in the period between the revocation of the Invalidity Insurance Act, in 2004, and July 2008.

20. With reference to the State party's report (CEDAW/C/NLD/5 page 30), please provide precise data on the companies and institutes which have now instituted internal complaints procedure. Please also outline the measures taken or envisaged by the State party to encourage the introduction of such procedure. Please provide information on

the enforcement by the Health and Safety Inspectorate of the duty for employers to have anti-discrimination policies in place.

Situation of particular group of women

21. The State party recognizes that the labour participation of Turkish and Moroccan women is considerably lower than among native Dutch-heritage population. A number of initiatives have been put in place to ensure them a better integration : Commission on the Participation of Women from Ethnic Minority Groups (PaVEM Commission), the Plan of Approach on Emancipation and Integration (2004-2006), the establishment in February 2006 of the Ethnic-minority Women and Labour Direction Group, etc...). Please provide information on the concrete results obtained from the current policies. In regard to the 1001 Strengths Programme which involves 50 000 vulnerable ethnic-minority women in voluntary work, please explain how the State party intends to assess whether this programme effectively serves as a springboard for their social and professional integration and does not contribute to maintaining these women in precarious situations.

22. The Committee against Torture has expressed concern at the difficulties faced by asylum-seekers in the European part of the Kingdom of the Netherlands in substantiating their claims under the accelerated procedure of the 2000 Aliens Act, which could lead to a violation of the non-refoulement procedure. According to the

Special Rapporteur on Violence against Women, during this accelerated procedure, women are often unable to relate experiences of rape or other traumatic incidents. In this context, please indicate if the Government envisages adopting gender-sensitive asylum procedures and recognizing gender-related persecution as a ground for asylum.

23. The report does not contain any disaggregated statistical data on women living in poverty. Please provide an overview of the situation of women living in poverty in the Netherlands as well as the measures taken by the State party in this regard.

24. Information available indicates that a large number of Muslim women and girls, most of whom are of non-Dutch origin, face discrimination and exclusion in the labour market, education sector, and in sport schools including because of the wearing of headscarves. Please indicate what measures the Government has taken to reverse the negative attitudes towards Muslim women. In particular, could the State party be more specific about the steps taken to create opportunities for Muslim women and girls to integrate them into mainstream society and economy, while at the same time maintaining their own ethnic and diverse cultural identity.

Participation in political and public life

25. While the State party acknowledges that the target of 45 % of women in political positions will not be achieved in 2010 as expected (CEDAW/C/NLD/5 page 122), the

report indicates that the Netherlands does not use quotas to increase the participation of women (CEDAW/C/NLD/5 page 124). In view of the slow progress in increasing the number of women occupying top positions, please explain the reasons why such a system is not envisaged and whether the Government will consider applying temporary special measures in accordance with article 4, paragraph 1 of the Convention and the Committee's General Recommendations N° 23 & 25.

Marriage and family

26. The State party states that there is no indication to date that the family reunification policy de facto discriminates against women (CEDAW/C/NLD/5 page 139). However, it appears that the high income requirements, as well as the requirements for success in the examination in Dutch language and knowledge about Dutch society have a more negative effect on women than on men, including because of the worldwide gap between men and women in education, wages, property ownership, etc. In this context, please provide the most recent data relating to men and women applicants for family forming/reunification. Was an evaluation of the measures concerning family-forming and reunification conducted by the research section of the Department of Justice? If so, please inform the Committee of its outcome.

Trafficking and exploitation of prostitution

27. The Committee in its previous concluding observations (CEDAW/C/NLD/CO/4 para 23) as well as the Special rapporteur on violence against women have expressed concern at the linkage between protection to victims of trafficking and cooperation with the police. Indicate the follow-up measures the Government intends to give to these concerns and whether it envisages providing victims of trafficking with temporary protection visas, reintegration and support services irrespective of whether they cooperate in the investigation and prosecution of alleged traffickers.
28. Please indicate the measures taken to ensure that women victims of trafficking are properly identified and are no longer held in alien detention, without assistance and access to the protective services to which they are entitled. Please also indicate whether minor victims of trafficking and sexual exploitation have access to specialized institutions. With reference to the State party's report (CEDAW/C/NLD/5 at page 113, was an inquiry concluded into the disappearance of underage asylum seekers suspected of having been picked up by human traffickers?
29. Please indicate why non-governmental organizations are not represented in the anti-trafficking taskforce.
30. The report highlights the adoption of new legislation whose main objectives are to tighten and harmonize the licensing system, strengthen control and law enforcement and improve working conditions for prostitutes (CEDAW/C/NLD/5 page 116). Please

indicate whether prior to adopting the law the State party assessed the risks mandatory registration of women working as prostitutes with local authorities posed to their privacy and safety, as well as the impact of the law on the possibility for such women to work independently. The Special Rapporteur on Violence against Women identified the obstacles faced by women prostitutes to work on a self employed basis and urged the State party to address them urgently. Please indicate which measures were taken to follow-up on this recommendation.

Health

31. The report indicates that the state of health of minorities is generally not as good as that of the native-Dutch heritage population, that there is an increased risk of death for ethnic-minority babies, children and adults and that depression occurs more often and is highest among older Turkish women (CEDAW/C/NLD/5 page 158). Please elaborate on the measures taken or envisaged regarding the state of health of women belonging to ethnic minorities and the impact of such measures.
