



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

Distr.: General
24 November 2008

Original: English

ADVANCE UNEDITED VERSION

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

**Consideration of reports submitted by States parties
under article 18 of the Convention on the Elimination of
All Forms of Discrimination against Women**

Fifth periodic report of States parties

Netherlands*

* The present report is being issued without formal editing.

The 5th Report from the Netherlands

about the implementation of

the UN Women's Convention

period 2005 – 2008

The Hague, 30th of June 2008

Index

General	6
<u>I. Dutch Emancipation policy</u>	6
Emancipation memorandum	6
Gender mainstreaming	7
Monitoring and evaluation of the achieved results	9
Statistical data broken down by gender and ethnicity	9
Subsidy	10
<u>II The UN Women's Convention</u>	10
The promotion of knowledge about the Convention within the government and the wide dissemination of the recommendations	10
Legal application of the UN Women's Convention	11
Netherlands Antilles Report	12
The Beijing statement and the Platform for Action	12
Articles 1 and 2 of the UN Women's Convention	
The prevention and combating of discrimination against women	13
Introduction	13
Reinforcement of the Equal Treatment Act (Awgb)	13
Expansion of the powers of the Equal Treatment Commission	14

Change to the Equal Treatment Act	14
Complaints procedure in the Ministry of Defence	14
Right of complaint	15
<u>Domestic violence</u>	15
Gender-neutral formulation of policy in respect of domestic violence	17
Registration of domestic violence by the police	18
Free legal assistance for victims of domestic violence, less prosperous litigants	18
Violence in relationships of dependence	19
Honour-related violence, part of social prevention	20
Opening up of the Regulation on provisions for certain categories of foreign nationals	20
The promotion of expertise of educational personnel with respect to awareness of domestic violence	21
Violence against ZMV (<i>black, migrant and refugee</i>) women	22
Discrimination against immigrants, refugees and ZMV women	22
Available figures	23
Projects for the safety of (non-Dutch heritage) women	23
Integration courses	23
<u>International</u>	25
Women's rights are human rights	26

Sexual and reproductive health and rights	26
Violence against women	27
Women, peace and safety	28
International Convention on the Rights of Migrant Workers and Members of their Families	28

Article 3 Ensuring the (personal) development of women

Introduction	29
Labour participation	29
Women	31
Men	31
Difference m/f	31
Ethnicity	32
Policy	32
Reducing the marginal tax and premium burden	32
Part-timePlus Taskforce	32
Time and location-independent working	33
Flexible working hours and teleworking	33
Social innovation	33
Measures for well-functioning personal services	33
Working hours policy, municipalities and provinces	34
Flexible opening hours in the healthcare sector	35

Student mothers	35
Re-integration policy in the context of the Work and Social Assistance Act	35
ESF3 subsidy scheme for combining work and care	36
<u>Women in top positions</u>	37
More women in education management (Ministry of Education, Culture and Science)	37
More women in academia	38
Stimulation of female entrepreneurship	40
<u>Women of non-Dutch heritage</u>	40
Projects to promote the social participation of women from ethnic minorities	42
Perception in the employment market	42
Job Offensive for Refugees	42
Healthcare pilots	43
National Network for Diversity Management	43
Iedereen doet Mee (<i>Everyone Joins In</i>)	43
1001Strengths	43
Empowered neighbourhoods	44
Article 4 Measures for the equality of men and women	
Article 11 Equal rights with respect to labour	45

Introduction	45
Income distribution in the public sector and the market sector	45
Measures and intentions	46
Labour participation of specific groups	47
Discrimination monitor of non-Western ethnic minorities in the employment market	47
Promoting the combination of work and care	49
Public pregnancy and childbirth benefits for self-employed persons	49
The Childcare Provisions Act	49
After-school childcare	50
Developments in the use of childcare facilities	50
Arrangement for day nurseries facilities and combination jobs	51
Article 5 Changing socio-cultural behaviour patterns.	
Eliminating prejudices and family education	52
Introduction	52
‘Plan the role of the man’	52
More male teachers	52
The Glass Wall	52
Glass Ceiling and Talent to the Top Charter	53
Sexualisation	54
Centres for Youth and Family	55

Article 6 Combating women trafficking and the exploitation of prostitution	57
Human trafficking	57
B9 regulation	59
Prostitution	61
Information and exit programmes for prostitutes	62
Female victims of human trafficking	62
Article 7 Participation in political and social life and	
Article 8 Government representation at international level	63
Introduction	63
The SGP (National Calvinist Party)	63
Women in politics and public administration	64
Quota	66
Ethnic-minority women in administrative functions	66
More women and minorities in Government Advisory Boards	66
Women in the Administration of Water Boards	67
Employees in the public sector	67
The government as employer	68
Women in the higher functions in foreign posts in 2007	70

The police	70
The fire brigade	71
Women in the forces (Defence)	72
Support and coaching projects in the Ministry of Defence	73
Article 9 Equal rights of obtaining, changing or retaining a nationality	
Article 16 Equal rights in respect of marriage and family relationships	74
Law on surnames	74
Foreign Partner Foundation and family reunification policy	75
The dependant's residence permit	75
Article 10 Equal right of education	76
Introduction	76
Sardes report	77
Career and professional orientation	78
Subject combinations in HAVO (<i>Senior general secondary education</i>) and VWO (<i>Pre-University Education</i>) adjusted	78
Science and technology	78
The Glass Wall	81
Early school-leaving	81
Lifelong learning	81

Article 12: Right to healthcare and special measures during pregnancy	83
Introduction	83
Sexual and reproductive rights	83
The promotion of health	83
Individually targeted prevention and assistance	84
Teenage pregnancies and pregnancy terminations	84
New policy aimed at voluntary action and informal care	84
Specific groups	85
Women from ethnic-minority groups and healthcare	85
HIV / AIDS	86
Excess weight and obesity	87
Article 13 Driving out discrimination in economic and social life	88
Participation in sports	88
Volunteer work and employment in the sports industry	89
Policy with a view to the future	89
Article 14 Women in rural areas	91
Introduction	91

Incentive measures	91
Study	92
Education	92
Article 15 Equality before the law and freedom of domicile	94

General

This is the 5th report from the Netherlands about the implementation of the UN Women's Convention. The report covers the period 2005 – 2008 and outlines the main policies.¹ The report looks at the conclusions and recommendations of the CEDAW Committee in respect of the previous report. The first seven conclusions were compliments of the Committee, and are not looked at further.

Like last time, a shadow report will be prepared on this report. In 2007 the UN Women's Convention received attention in parliament; the House of Representatives conducted a General Meeting about the 4th report with the Minister for Emancipation in October 2007.

I. Dutch Emancipation policy

Emancipation memorandum

The Coalition Agreement of the Balkenende IV Cabinet, which was installed on 22 February 2007, includes the following paragraph about emancipation, in order to give new stimulus to the emancipation policy:

- a new Emancipation memorandum will be issued during this term of government;

¹ 4th report January 2005
3rd report September 2000
2nd report November 1998
1st report November 1992

- the government will address employers about their efforts to bring more women into top positions;
- in education in particular, few women hold top positions, whereas this area in particular can set an excellent example. Initiatives to increase the number of women in top positions are supported;
- in close consultation with employers, measures are being taken to combat the undesirable dropping out of the workforce of women aged 35-40 and increase their chances of re-entry/re-integration;
- women are still earning less than men. The government will work on ending this inequality.

The Emancipation memorandum ‘More opportunities for women: Emancipation policy 2008-2011’ was published in October 2007 with the following subjects: labour participation, women and girls from ethnic minority groups, safety and International emancipation policy.²

The government has also made extra funds available to support the emancipation process; increasing to 10m Euros by 2011. The emancipation memorandum has generated a lot of publicity. The Government has put the Emancipation memorandum on the agenda in the House of Representatives by means of two memorandum meetings.

² The Emancipation memorandum is enclosed in English (appendix 1).

Gender mainstreaming

In (conclusion 13) recommendation 14 the Committee recommends that “a government department be designated that will actively take on the responsibility and control of the coordination of the application of gender mainstreaming policy in policy documents and programmes of all other government departments, as well as the effective monitoring and evaluation of the achieved results. It also advises that such a department must be asked to ensure that the knowledge of the UN Women's Convention is promoted effectively at all levels and within all parts of the government, in order to promote the legal and actual equality of women and men.”

At the Cabinet change in 2007 the coordination of the Dutch Emancipation policy was transferred from the Minister of Social Affairs and Employment to the Minister of Education, Culture and Science, which also makes him the Minister for Emancipation.

The Minister for Emancipation has sent a letter about the division of responsibilities between the Minister for Emancipation and his colleagues to the government. In this memorandum he indicated that the primary responsibility for achieving the main objectives listed in the Emancipation Memorandum and the realisation of the policy in the different areas lies with the individual line ministries and that they must be held accountable. The Minister for Emancipation is responsible for the emancipation policy of his own Ministry; the Ministry of Education, Culture and Science. The Minister for Emancipation also has a managing role in the Dutch realisation of the UN Women's Convention and the Beijing Platform for Action. In this context

each ministry has its own responsibility for integrating the emancipation policy in its own international policy dossiers.³

The Emancipation Review Commission (VCE) has, per ministry, formulated a final report on the emancipation policy and the available gender expertise.⁴ In its concluding final report on the emancipation policy, entitled ‘A bit better is not good enough!’, the VCE concludes that expertise in the area of emancipation and structural anchoring of the emancipation policy in the ministries are both lacking. There is also a lack of central direction with regard to the emancipation policy. This government wants to improve the situation by making the contribution of the line ministries to the emancipation policy as transparent and verifiable as possible, increasing the emancipation expertise and giving more definition to the role of the Minister for Emancipation as the driving force and supporter of the emancipation policy.

The Minister for Emancipation also considers it important to promote structural attention for the emancipation policy in areas other than the policy areas stipulated in the Emancipation memorandum.⁵ The ministries have sent their own responses to the final report of the Review Commission and their own contribution to the emancipation policy to the House of

³ In view of their policy area, a number of departments have a specific responsibility in an international domain. The Ministry of Foreign Affairs is the coordinator of the integrated foreign policy and is responsible, among other things, for the human rights and foreign aid policy. The Ministry of Defence is responsible for, among other things, the peace missions conducted by the Netherlands.

⁴ The VCE (*Emancipation Review Commission*) was established at the request of the Cabinet in 2004. The VCE was charged with monitoring, evaluating and stimulating the progress of the gender mainstreaming process in central government in the period up to 2007. Before 2004 the Minister for Emancipation was in charge of stimulating gender mainstreaming, after which the responsibility fell to the ministries. The starting point of the emancipation policy is that every Minister is responsible for gender mainstreaming in his/her own policy area. The Commission conducted its work in two review rounds. The main conclusion of the VCE was that the coordination of the emancipation policy needs to be enhanced.

⁵ A two-track policy.

Representatives. This gives expression to the individual responsibility and duty of accountability of each ministry. This has made the division of responsibilities more visible and has enhanced the coordination in respect of the emancipation policy. In their contributions, the ministries give definition to the conditions for the successful anchoring and implementation of the emancipation policy.

These conditions are: commitment to the emancipation policy on the part of the political and administrative top, a clearer allocation of responsibilities in respect of the emancipation policy, availability of emancipation expertise⁶, the use of emancipation tools, clarity about objectives and resources. The contributions of the ministries show that the emancipation policy is better anchored across the government, and that there are also new initiatives. Depending on the phase of the emancipation policy and the nature of the policy domain, each ministry gives shape to this in its own way.

The Minister for Emancipation envisages a task for himself supporting the ministries in the anchoring of the emancipation process. Extra efforts will be made, and active participation is required, in the areas of the four substantive priority themes in the Emancipation memorandum: labour participation, women and girls from ethnic minority groups, safety and International emancipation policy. This means that for the separate components collaboration agreements have been made with the responsible ministries for their (temporary) support and contribution to achieving the objectives. Examples are the Part-timePlus Task force⁷ and 1001Strengths.⁸

⁶ The availability of gender expertise in the various departments is enclosed in appendix 2.

⁷ The State Secretary for Social Affairs and Employment is responsible for the Part-timePlus Task force and is referred to in the section on Article 3.

The Dutch government subsidises knowledge institutes in the area of emancipation: the International Information Centre Archive for the Women's movement (IIAV), E-Quality.⁹

Gender aspects will be dealt with in the context of VBTB¹⁰ activities and interdepartmental policy studies (IBOs), where relevant. Where applicable the Ministry of Finances also promotes that gender and ethnicity be included in these IBOs and in the conduction of policy reviews by the ministries. In addition, where relevant, measures in the area of taxation are evaluated for emancipation effects as standard.

⁸ 1001Strengths is a programme that promotes the participation of 50,000 vulnerable women of non-Dutch heritage through volunteer work. Volunteer work offers possibilities for self development and participation, see also under Article 3

⁹ From 2008 a subsidy is also granted to Women Inci (a platform for women who stand for change).

¹⁰ VBTB = From policy budget to policy accountability.

Monitoring and evaluation of the achieved results

It is a good thing to monitor the policy intentions in the area of emancipation to establish a clear map of what has been achieved. The emancipation policy has a number of different monitoring moments and formats.

In September 2007 the policy review on emancipation¹¹ was completed. The objective of the policy review is to make the state budget more transparent; in a glance it must be clear which objectives the ministries strive for, which tools they use, how much money is involved and what the result of these efforts is.¹² The conclusion was that in recent years the emancipation policy has been most successful with respect to the following operational objective from the budget: to broaden and deepen the emancipation process at different levels. In this area results were achieved with relatively limited funds. The objectives - the sustainable integration of the male/female perspective in policy and the implementation to promote the quality and effectiveness of central government policy - received less attention under the Balkenende II¹³ and III¹⁴ Cabinets.¹⁵

¹¹ Article 35 of the Government Budget Social Affairs and Employment. The policy article reads as follows: The promotion of equal rights, opportunities, freedoms and (social) responsibilities in Dutch society for women and men.

¹² Policy reviews take place at the level of a general or operational objective. A number of simple but fundamental questions about the consistency and effectiveness of the policy are answered by the policy makers themselves, and independent third parties are involved in the review.

¹³ Balkenende II Cabinet: 2003-2006

¹⁴ Balkenende III Cabinet: 2006-2007

¹⁵ See gender mainstreaming in this chapter

With regard to the evaluation of the general progress in the area of emancipation in the Netherlands, the Emancipation Monitor is published once every two years. The publication of the next Emancipation Monitor is expected early 2009.

With regard to the emancipation policy in the ministries, the government will conduct a midterm review in 2010. In addition to the ministry reviews, in 2010 the Minister for Emancipation will submit to the House of Representatives an overview of the progress of all the priority objectives as listed in the Emancipation Memorandum.¹⁶

For the purpose of this 5th report the ministries have been asked to indicate how they monitor the progress of the emancipation policy.¹⁷

Statistical data broken down by gender and ethnicity

Following the 4th report, the CEDAW Committee has asked for statistical data broken down by gender and ethnicity to be collected in order to monitor the effects of legislation and policy. The Minister for Emancipation has brought this request from the Committee to the express attention of his colleagues.

Subsidy

In (conclusion 39) recommendation 40 the Committee advises that it should be guaranteed that non-government organisations (NGOs) can make an effective contribution to the continued

¹⁶ A letter on the subject of the monitoring of the emancipation policy was sent to the Lower House on 15 February 2008, see appendix 3.

¹⁷ The contributions of the various ministries on the issue of monitoring are enclosed in the appendix 4.

implementation of the Convention. It advises that an effect assessment be conducted of the new subsidy arrangement for NGOs and, if necessary, review it if NGOs are obstructed in their monitoring of the government's compliance with the Convention.

The government will subsidise the shadow report in respect of this 5th report, in the same way that the government subsidised the shadow report for the 4th report. This guarantees that NGOs can monitor the government's compliance with the Convention.

In 2004 it was decided to make a change in the subsidy policy, whereby proportionately more funds were granted via project subsidies than via institute subsidies. The arguments were substantive and were also aimed at the involvement of (new) organisations, with the objective of supporting local initiatives to enhance the emancipation process in society. With substantive plans, NGOs were able to compete for long-term subsidies. This subsidy scheme for Emancipation projects that ran from 2004 through to 2007 was frequently used by self-interest groups for new Dutch citizens. Other NGOs have also availed themselves of the scheme.

The subsidy scheme was terminated on 1 January 2008 and has also been evaluated. The evaluation was aimed at the effects of the subsidy scheme and what has been achieved with projects. The projects jointly reached approximately 120,000 women. The majority of the projects focused on women and girls of non-Dutch heritage. The subsidised projects were distributed throughout the entire country. Often the projects dealt with sensitive themes, such as honour-related violence or the activation of women who are barely participating in society.

To be able to rollout successful projects throughout the country, the Minister for Emancipation will make extra funds available.

II The UN Women's Convention

The promotion of knowledge about the Convention within the government and the wide dissemination of the recommendations

The CEDAW Committee is of the opinion that the Netherlands must ensure the wide dissemination of the recommendations made by the CEDAW Committee among the government, social organisations and the public (recommendation 44). In March 2007 and June 2007 the recent recommendations of the Committee were sent to the House of Representatives and all the Ministers respectively (recommendation 8). The translated recommendations of the CEDAW Committee and the translation of General Recommendation no. 25 on Article 4, paragraph 1, of the Convention in respect of temporary special measures were also placed on the website www.emancipatieweb.nl.

In recommendation 12 the Committee recommends that the Convention and the recommendations be widely disseminated among judges, Public Prosecutors and lawyers. In response to this recommendation the following: the text of the Convention and its translation into Dutch was published in the Netherlands Treaties Series. The Government's treaty database, moreover, contains all relevant data on the Convention, e.g. a list of Parties and dates of entry

into force. The Convention, in the Dutch language, is available, in particular in specialised bookshops, (university) libraries and judicial organs.

All judicial organs, as well as the public prosecution service have subscriptions to the relevant press publications. They also have access to the internet, so they can easily access the Committee's website.

The publication of recommendations and views of the Committee in the Netherlands is first of all a matter of private initiative. Excerpts, summaries and commentaries of recommendations and views are published in the general legal press, in particular:

- Nederlands Juristenblad (Dutch Jurists Paper)
- NJCM-Bulletin (Dutch Section of the International Commission of Jurists Bulletin)
- Trema Tijdschrift voor de Rechterlijke Macht (Trema Magazine for the judiciary)
- Nederlandse Jurisprudentie (Dutch Jurisprudence)

as well as in the specialised legal press, concerning for instance aliens law.

Excerpts are usually published in the original language, which is supposed to be sufficiently accessible to legal professionals. Summaries and commentaries are obviously written in Dutch.

Legal application of the UN Women's Convention

In recommendation 12 (conclusion 11), the CEDAW Committee asks the Netherlands to reconsider the standpoint that not all material stipulations in the Convention apply directly to the

domestic legal system and to guarantee that all stipulations are fully applicable in the domestic legal system.

First and foremost the Netherlands wants to make it clear that it has felt bound by the Convention since signing it in 1991. Furthermore, the Netherlands also signed the optional protocol.

As a result of the criticism from the CEDAW Committee and the General Meeting with the House of Representatives, the Minister for Emancipation sent a letter to the House of Representatives on the subject of the legal application of the Convention on 5 November 2007.¹⁸

The letter addresses the question whether stipulations in the UN Women's Convention have direct effect in the Netherlands.

This question cannot be answered in a general sense. 'Direct effect' means that a stipulation is legally enforceable by an individual. Article 93 of the Dutch Constitution stipulates that stipulations in Conventions have binding force if they can bind all individuals through their content. The more generally stipulations are formulated and the more active action on the part of the state they require, the less the question of direct effect. The question whether a stipulation binds everyone and therefore has direct effect is, in the final instance, determined by the Dutch courts in individual cases. Interesting in this respect is the SGP case that is currently in progress.¹⁹

¹⁸ The letter about the legal applicability of the UN Women's Convention is enclosed as appendix 5.

¹⁹ The SGP case is dealt with under the section on Article 7. See also recommendation 26.

Netherlands Antilles Report

In recommendation 10 (conclusion 9), the Committee stated that the Netherlands should provide information in its 5th report about the implementation of the Convention in the Netherlands Antilles and ensure that in future, representatives from the Antilles participated in the meeting with the Committee. In recommendation 46, the Committee expressed its dissatisfaction with the failure to provide information about the current state of implementation in the Netherlands Antilles, and the lack of a response to the questions arising from this recommendation. The Committee therefore asked the Netherlands to issue a follow-up report on the implementation of the Convention in the Netherlands Antilles in January 2008. In this context, the Netherlands would make the following observation.

The Kingdom of the Netherlands is made up of three countries: the Netherlands Antilles, Aruba and the Netherlands.²⁰ Each country has its own government and parliament. Responsibility for the implementation of international treaties lies with the respective governments of the three countries. If one of the three countries fails to meet its obligations under a treaty, the Government of the Kingdom can be held accountable.

Consequently, the Ministry of Foreign Affairs has asked the Ministry of General Affairs and Foreign Relations of the Netherlands Antilles to report on the implementation of the CEDAW Convention. The Netherlands Antilles has indicated that it plans to submit to the CEDAW Committee the reports in respect of the Convention both for 2004 and for this year in 2008.

²⁰ Conclusions 15 and 37 and recommendations 16 and 38 deal with Aruba, which reports to the CEDAW Committee independently. This report does not therefore address those points.

The Beijing statement and the Platform for Action

In recommendation 41 the Committee advises that when complying with obligations under the Convention, the Beijing statement and the Platform for Action, which affirm the stipulations of the Convention, be applied in full, and asks that information on this be included in the next periodical report. For information about the 12 strategic recommendations of the Beijing Platform for Action is referred to the following chapters. In 2005 a 2-year subsidy was also granted to the Dutch Women's Council (NGO) for a project concerning the implementation of the Beijing Platform for Action.

Articles 1 and 2 of the UN Women's Convention

The prevention and combating of discrimination against women

Introduction

The main legislation in the Netherlands that applies to banning discrimination against women is Article 1 of the Constitution and the Equal Treatment Act. In recommendation 2 the CEDAW Committee expresses its disappointment that in the 4th report the Netherlands did not address Articles 2, 3 and 4 of the UN Women's Convention. This, the 5th report, does look at those Articles.

Article 1 of the Constitution provides an important foundation for the combating of discrimination. The ban on discrimination in the Dutch Constitution is implemented in six specific Acts of Parliament.²¹

Partly thanks to the Equal Treatment Act and the Equal Treatment Commission²², equal rights for women and men in the Netherlands in the legal sense have been realised to an important extent.

The assumption that equal rights mean equal opportunities is often made too easily.

The general perception is that if the rights of a certain group are equal, the opportunities for this group are automatically also equal. If someone doesn't take advantage of these opportunities, that is his/her own responsibility.

But: if certain categories of people systematically underutilise their equal rights, there is more going on. Although there is 'de jure' equality, the 'de facto' opportunities are not equal.

²¹ See the 4th report in respect of the implementation of the UN Women's Convention.

²² In 1994 the Equal Treatment Commission (CGB) was established: an independent, national body that monitors compliance with the equal treatment legislation and provides advice and information.

Reinforcement of the Equal Treatment Act (Awgb)

In 2005 the Equal Treatment Act²³ was evaluated by the Equal Treatment Commission (CGB) and in 2006 this was done again by external researchers. The Cabinet aims to submit the Government standpoint on the evaluation to the House of Representatives before the summer of 2008.

Since 2004 a number of changes have contributed to the reinforcement of the equal treatment legislation in general and the position of women in particular. For instance, in line with European Directives, the Equal Treatment Act has been providing explicit protection against sexual discrimination since 2007. The Act now also makes it clear, in line with the Equal Treatment Act for Men and Women, that direct discrimination based on gender also includes discrimination on the basis of pregnancy, childbirth and motherhood. Finally, the equal treatment of men and women in pension schemes has been expanded.

The Government's efforts will remain focused on improving the framework for equal treatment before the law. Important elements are streamlining, attunement and making legislation more accessible.

Expansion of the powers of the Equal Treatment Commission

²³ The Equal Treatment Act (Awgb) prohibits discrimination on the basis of gender, religion, philosophy, political views, race, nationality, sexual orientation or marital status.

On 1 November 2005 the Act evaluating the Equal Treatment Act came into effect. This Act provides for an expansion of the powers of the Equal Treatment Commission²⁴ to conduct studies at its own initiative. Until this Act came into effect the Commission could only conduct such studies at its own initiative in an entire sector. A sector-wide study takes so much manpower that, in the past, the Commission only did so in a limited number of cases. Now a study at the Commission's own initiative can also be conducted in just a small number of companies.

Change to the Equal Treatment Act

Since November 2006 the Equal Treatment Act for Men and Women has been updated. This change provides for the *implementation of Directive 2002/73/EC* (change to Directive 76/207/EEC) of the European Parliament and the Council of 23 September 2002 in respect of the implementation of the principle of equal treatment of men and women with regard to access to the labour process, vocational education and promotion opportunities, and with regard to employment conditions. The legislative change results in intimidation and sexual intimidation becoming a form of prohibited discrimination, broadening the legal protection of employees. The Act also prohibits prejudice against an employee who has been confronted with intimidation or sexual intimidation. This Act gives employees a somewhat stronger legal position in the case of (sexual) intimidation, namely:

- because of a shift in the burden of proof, which will now also apply to intimidation and sexual intimidation;
- because of the added option of appealing to the Equal Treatment Commission;

²⁴ For further information about the Equal Treatment Commission we refer to the 4th report on the implementation of the UN Women's Convention.

- because of an expansion of the protection against prejudice when an employee makes a claim of (sexual) intimidation.

To support the introduction of this Act, the Ministry of Social Affairs and Employment has created fact sheets for employers and employees. A subsidy has also been awarded to the 'Women and Justice Foundation Clara Wichman' for the 'Sexual intimidation in the workplace' project. The first objective of the project is to create a convenient brochure as a practical guide. The target group is, specifically, members of complaints commissions and confidential counsellors. The second objective is the updating of the Legal Guide, with judges, lawyers and legal aid providers as the target group.

Complaints procedure in the Ministry of Defence

During this reporting period the Ministry of Defence in the Netherlands was faced with a number of incidents in the area of undesirable conduct and sexual intimidation. An Investigative Commission was formulated which investigated the nature and seriousness of the incidents and made recommendations for improvement. As a result of the report and the recommendations of this Commission, a project group was set up to further define and implement the recommendations. An (external) reporting point for complaints about undesirable conduct was also established and the position of the confidential counsellor was reviewed and professionalised. The activities of the project group focus on formulating and embedding a code of conduct, improving rules for personal interaction and reinforcing the social leadership. The initial products of the project group have been delivered, and many programmes are still in progress.

Right of complaint

In conclusion 29 the CEDAW Committee expresses its concern about the lack of good procedures to allow employees to report incidents of discrimination in companies and institutes (see also recommendation 30). In the Netherlands there is no statutory right of complaint for individual employees. However, this does not mean that employees have nowhere to go with their complaints. Any employee who feels that he or she has been discriminated against can submit a request for investigation to the Equal Treatment Commission. The Commission will then investigate the complaint and evaluate whether the actions did in fact contravene the equal treatment legislation. The complaints procedure of the Commission is publicly accessible. Process representation is not compulsory and there are no costs associated with the procedure. In addition, employees can report their complaint to one of the antidiscrimination agencies. The antidiscrimination agency can play a mediating role in resolving the complaint or supporting the employee in further procedures before the Equal Treatment Commission or the courts. It is important that many Collective Labour Agreements (CAOs) contain stipulations about complaints procedures. Larger companies and institutes in particular have now instituted internal complaints procedures and complaints commissions, where employees can take any complaints about discrimination and (sexual) intimidation. Examples are the complaints procedures for sexual intimidation, aggression, violence and discrimination at a number of universities and the complaints procedures of a number of municipalities.

Domestic violence

Domestic violence is violence that is committed by someone from the victim's immediate domestic environment. The scale of domestic violence in the Netherlands is no greater than in

other countries. By means of a special register of domestic violence incidents, the police have been able to calculate that every year they receive over 63,000 reports of domestic violence.²⁵ However, these are only the registered incidents and do not reflect the total scope of all the cases of domestic violence. Because of shame, fear and feelings of guilt only a small proportion of those involved report the violence: approximately 12% of all domestic violence cases. This means that the number of official reports is merely the tip of the iceberg.

Domestic violence will never be completely eradicated; the best one can hope for is to reduce it as far as possible with a proactive approach. The Netherlands has put in place an extensive programme of measures, with a range of actions.

The government policy document 'Private Violence, a Public Matter',²⁶ has led to an Action Programme on Domestic Violence, which has run until 2008. The emphasis in the new Action Programme will be both on consolidating the results achieved over the past few years and on responding to new developments. For example, extra attention will be focused on prevention and early identification of domestic violence. Furthermore, policy will focus on taking away obstacles with respect to exchanging of information between professionals in the field of domestic violence. The main developments to date have been:

- The 35 regional authorities for women's shelters have set up a domestic violence advisory and support desk.

²⁵ 'Met de deur in huis. Omvang, aard, achtergrondkenmerken en aanpak van huiselijk geweld in 2006 op basis van landelijke politiecijfers' (*Inside the front door. Scope, nature, background characteristics and handling of domestic violence in 2006 on the basis of national police figures*), Beke Consultancy and Research Group, Arnhem/Dordrecht, September 2007.

²⁶ Published in April 2002.

- The women's shelter sector is implementing a plan to streamline intake procedures and increase security, subsidised by the Ministry of Health, Welfare and Sport. A risk screening instrument specially developed for the purpose has been implemented in the first quarter of 2007.
- The website www.huiselijkgeweld.nl was transformed in 2005 into the definitive digital portal for information on tackling domestic violence.
- The government has introduced separate legislation to allow temporary restraining orders to be imposed on perpetrators of domestic violence where there is an acute danger to the victim and any children involved. The restraining order, which would apply for ten days, could be issued by the police by order of the mayor. It could be reviewed by a court within three days. The court would have the option of withdrawing or upholding the restraining order or extending it to a maximum of four weeks. It should also be possible to issue restraining orders in cases of child abuse. Immediately after issuing a restraining order a counselling process will be instituted for those involved. A bill to this effect will probably come into force in 2008.²⁷ Training and the necessary tools for all professionals concerned have already been developed. The legislative proposal is still before the Upper House and has therefore not yet been adopted. The text of this paragraph may therefore still be amended.
- A major public survey has been prepared and will be held in 2008, which should produce more reliable figures on the nature and scope of domestic violence. The data will be broken down by, among other things, gender, age, ethnicity, type of violence, perpetrator/victim relationship etc. Results may be expected in 2009.

²⁷ Domestic violence act, enactment 30657.

- A national public education campaign (“nu is het genoeg” *{enough is enough}*) against domestic violence, introducing a national hotline (phone number 0900-1262626) and a special website <http://www.shginfo.nl/>, was launched in April 2007. The national hotline and the special website will remain in force for 5 years. The national campaign will be repeated in 2008.
- A report was published on what the police, Public Prosecution Service and local authorities are doing to tackle domestic violence. The study shows that, though there have been major developments in this area in recent years, much remains to be done to optimise the approach and, above all, to guarantee continuity. Over the coming period, measures are devised in consultation with stakeholders.
- Every year, an estimated 100,000 children are faced with domestic violence in the capacity of witness. Of these children, 40,000 are at increased risk of psycho-social problems or behavioural problems. People who have been the victim of violence in their youth have a greater risk of becoming a victim or perpetrator of domestic violence in later life. A handy guide to helping children who have witnessed domestic violence (“Kindsporen” *{Children’s tracks}*) was published in early 2007. Furthermore, new legislation banning the use of violence in the raising of children has entered into force in April 2007.
- Abuse also occurs among senior citizens, but is still a relatively unknown phenomenon. In the case of elderly abuse we often see disbelief, ignorance,

dependence, shame and fear. In 2005 a guide²⁸ was published that contains lessons that can be used in setting up and structuring projects for the prevention and combating of elderly abuse. The State Secretary for Health, Welfare and Sports has financed the ‘Stop elderly abuse’ campaign till 2008.

- On 1 January 2007 the Social Support Act (Wmo) came into effect. Women’s shelters and the policy for combating domestic violence are included in this Act. The management role for municipalities in cases of domestic violence has already been allocated in the government memorandum ‘*Private Violence - Public Matter*’. By incorporating the policy for combating domestic violence in the Wmo a further step has been made, which makes the management function of municipalities with respect to this subject less informal.
- The privacy legislation provides opportunities for collaboration (and the associated exchange of information) where this is necessary to combat domestic violence. Chain partners who are involved in combating domestic violence can submit their questions on privacy and data exchange to the Privacy Helpdesk. The Helpdesk gives advice on the way in which privacy regulations can be interpreted. It is extremely important that professionals are aware which privacy rules apply to them and how this relates to the opportunities for reporting domestic violence. In June 2007 a publication on this subject was published: ‘Hearing, seeing and duty of confidentiality?’²⁹ The publication is linked to a website (www.huiselijkgeweldenberoepsgeheim.nl) on

²⁸ ‘Je ziet het pas als je het gelooft – Preventie en bestrijding van ouderen mishandeling’ (*You only see it when you believe it - Prevention and combating of elderly abuse*) National Platform for the Combating of Elderly Abuse, National Institute for Health and Social Services, November 2005.

²⁹ ‘Horen, zien en zwijgplicht; Wegwijzer huiselijk geweld en beroepsgeheim’ (*Hearing, seeing and duty of confidentiality; Guide to domestic violence and professional secrecy*), Ministry of Justice, June 2007.

which all professional groups can find the required information, including a Web application that professionals can use to see, in a few simple steps, what they can or cannot do in a certain case. A model agreement on data exchanges relating to combating domestic violence has also been published.

- At the end of 2006 the Council of Europe started a European campaign aimed at combating violence against women, including domestic violence. Member states were asked to organise seminars to give definition to the campaign. The Netherlands held a European seminar on 21 and 22 February 2007. Representatives from 7 Western-European countries attended the seminar. In an open atmosphere the participants exchanged experiences with regard to legal measures for the combating of violence against women. The Dutch legislative proposal on a temporary home ban received a lot of attention.

Gender-neutral formulation of policy in respect of domestic violence

The Committee has expressed its concern (conclusion 19) about the gender-neutral formulation of policy in respect of domestic violence. As a result of this neutral formulation the Committee fears that the fact that violence against women is a form of discrimination is not broadcast sufficiently (recommendation 20). Domestic violence affects women disproportionately, whereby the violence is mostly committed by men. The Dutch government is well aware of this fact and also publicises it. For instance, in a letter to the House of Representatives dated 5 September 2007³⁰ the Minister of Justice expressly indicated that in view of the figures on domestic violence it is actually more accurate to talk about violence against women. Partly as a result of the

³⁰ House of Representatives 2007-2008, 28345, no. 51.

comment of the Committee we are investigating whether a gender-specific formulation of the policy in respect of domestic violence is advisable and would have added value for more effective combating of this form of violence. To promote increased knowledge and awareness of the gender-associated character of the problems of domestic violence, the Ministry of Justice, as announced in a memorandum to the House of Representatives dated 5 November 2007³¹, will be organising interdepartmental information sessions on this subject. Among other things, this will be given shape in an interdepartmental training course on 'gender and domestic violence.' Tools for the gender analysis of policy will also be deployed. These activities form part of the new Plan of approach on domestic violence for 2008-2011.

Registration of domestic violence by the police

Following on from the reports '[Domestic violence - the front door ajar](#)' and 'Entering without knocking', an analysis of the scope, nature and characteristics of domestic violence, its victims and its suspects was once again conducted for the year 2006. The report entitled 'Inside the front door' describes - in line with the measurements for 2004 and 2005 - the scope and nature of domestic violence based on the incidents recorded by the police.

In addition to the basic analysis, in the third national measurement of domestic violence an in-depth study was conducted in conjunction with all twenty-five of the police regions. In this sub-study, which consists of a comprehensive analysis of a random selection of 1,000 incidents, attention is also given to the role of, for instance, children (as witnesses) in families where domestic violence occurs, high-risk habits and weapons, repeat victimisation and the criminal justice and non-criminal justice approach.

³¹ House of Representatives 2007-2008, 30420, no. 64.

In the autumn of 2007 the Council of Chief Constables decided to facilitate a new programme from 2008 through to 2011 in which, in addition to a toughening of the approach, the implementation of the new Preventative Home Ban Act is also given an important place within the police force.

Free legal assistance for victims of domestic violence, less prosperous litigants

In recommendation 20 the Committee asks for a guarantee that free legal assistance will be made available to all victims of domestic violence (conclusion 19). In addition to the regular options the Dutch system of subsidised legal aid offers to less prosperous litigants (upon payment of a personal contribution), the legal assistance for those most affected by a crime that constitutes a serious violation of personal integrity (violent and sexual crimes) is now totally free of charge. Since 1 April 2006 victims of sexual and violent crimes have been able to get free legal assistance from a specialist lawyer irrespective of their economic situation. One condition is that there must have been serious physical and/or mental injury. In determining whether there is an injury within the meaning of the aforementioned sentence, Article 3 of the Criminal Injuries Compensation Fund Act applies *mutatis mutandis*. If the Criminal Injuries Compensation Fund designates the trauma as being serious, this qualification also applies to the application for this free facility.

The free legal assistance is available both in the criminal process and in the civil procedure for obtaining compensation under civil law. The rule does apply that the possibility of consolidating the claim in the criminal process must have been attempted if a person wishes to be considered

for free legal assistance for a compensation action in the civil court. If consolidation is not possible or if it is not possible to recover the claim in its entirety, it is possible to apply for this free facility.

For victims of domestic violence, the above means that the first-line legal assistance they can obtain from one of the thirty offices of the legal helpdesk *{Juridisch Loket}* in the Netherlands is free of charge. Should they require more specialist subsidised legal assistance, they may be eligible for this on the basis of the general regulation, provided they meet the substantive requirements the law imposes on the case and on their financial situation. This may mean that a personal contribution must be made based on a person's financial circumstances if the legal assistance is being provided by a lawyer subsidised by the Dutch government. If the aforementioned conditions for the special regulation that has been in force since 1 April 2006 apply, the legal assistance for victims of domestic violence - including those who are more affluent - is free of charge.

Violence in relationships of dependence

On 10 December 2007 the policy memorandum entitled 'Protected and assertive, stepping-up of shelter and assistance in cases of violence in relationships of dependence' was published. From 2008 extra funds will be made available for this intensification, increasing to 32m Euros by 2012.

The objectives are as follows:

- there must be immediate and safe shelter for victims;
- victims, children, but also perpetrators receive early and speedy assistance to be able to lead a life without violence;

- all the professionals involved can spot the risks of violence in relationships of dependence at an early stage and know how to prevent it.

Violence in relationships of dependence includes domestic violence, honour-related violence, female genital mutilation and human trafficking. All these forms of violence result in major psychological and physical trauma in victims (mostly women, but also men) and their immediate environment.

To achieve the objectives, the following actions will be implemented (2008 – 2012):

- more safe shelter facilities (100 extra places per year) for, among others, (young) men and women who are most at risk, such as victims of honour-related violence;
- reinforcement of the Domestic Violence Advice and Support Points, so that they form the axis in the local/regional approach to domestic violence;
- improving the quality of shelter and support, including through the quality plan for Women's shelter;
- a strong approach to combating female genital mutilation, among other means by nationally implementing the experience of six regions;
- a strong approach to combating honour-related violence, among other objectives for the realisation of a sustainable infrastructure of adequate (safe) shelter facilities and assistance for all victims.

Together with the Association of Dutch Municipalities, the Ministry of Health, Welfare and Sport will formulate an action programme for the implementation of this policy memorandum. The measures will be realised in close conjunction with other interdepartmental programmes, such as

the combating of domestic violence under the coordination of the Minister of Justice and the Action Plan for the Combating of Child Abuse of the Minister for Youth and Family.

Honour-related violence, part of social prevention

In 2006 the Dutch government started an interdepartmental programme for combating honour-related violence. The programme combines increasing the understanding of the problems with concrete measures in the area of social prevention, shelter, protection, a criminal law approach and administrative guidance, so that honour-related violence can be dealt with effectively.

The main accents in the area of prevention and awareness lie in promoting and supporting initiatives of minority organisations, promoting the prevention policy at local level and promoting an approach by educational institutes.

In 2007 the Minister for Housing, Neighbourhoods and Integration entered into agreements with 4 minority umbrella organisations - Refugee Organisations Netherlands

{Vluchtelingenorganisaties Nederland}, the Turkish Participation Body *{Inspraak Orgaan Turken}*, the Collaboration of Moroccans in the Netherlands *{Samenwerkingsverband van Marokkanen in Nederland}* and the Collaborating Turkish Organisations *{Samenwerkende Turkse Organisaties}* - about a long-term prevention programme aimed at awareness. ‘On the right side of honour’ will run until October 2010. With ‘On the right side of honour’ the participating organisations are focussing on improving contacts and collaboration of minority communities with institutes in 10 municipalities, increasing the self-reliance of persons from communities where honour-related violence traditionally occurs, and promoting mentality and behavioural changes.

In May 2007 two Regional Education Centres started the project 'honour-related violence in and around the school' with a subsidy from the Minister for Housing, Neighbourhoods and Integration. The project aims to increase knowledge and skills aimed at early awareness of honour-related violence and assertiveness of students and to create a link to the educational sector. In 2008 the project will result in, among others, a manual on dealing with honour-related issues, a module on assertiveness training, a model approach and a memorandum on safety policies in schools.

Opening up of the Regulation on provisions for certain categories of foreign nationals

Effective 1 October 2007, the Regulation on provisions for certain categories of foreign nationals (Rvb) was amended for the benefit of victims of (threatened) honour-related violence without a residence permit. From now on, pursuant to this regulation, they may be eligible for financial support and health insurance, on the condition that they submit an application for a residence permit (which gives them lawful residence) and reside in a women's shelter. The intention of opening up the Regulation to this group is to eliminate a possible obstruction, in the financial sense, with regard to access to women's support.

The policy for the admission of and granting a residence permit to such victims is currently being developed. In the spring of 2008 the Regulation was opened up to victims of domestic violence without a residence permit.

In addition a legislative proposal is currently before the House of Representatives of the States General in respect of the improvement of the position of victims, including victims of domestic

violence, in the criminal law process. The improvements that will be implemented with this legislative proposal are, in broad outlines, as follows:

- more options for claiming damages in the criminal process;
- the victim becomes a party to the proceedings with statutory rights, such as the right to considerate treatment, information about what happens with their report, the prosecution, the hearing and, in serious cases, the release of the convicted person;
- the right to an interpreter;
- the right to have documents added to the file;
- the right to an advance in the case of a court-awarded order for damages;
- the right to have legal assistance or representation during the hearing.

Victims already have many of these rights at present, but currently they are regulated in directives of the Public Prosecution Service. The fact that these measures are now laid down in a statutory regulation underlines the importance the Dutch government attaches to the position of victims in the criminal law process.

The promotion of expertise of educational personnel with respect to awareness of domestic violence

Research has shown that many professional courses only pay limited and incidental attention to domestic violence.³² In order to get an understanding of the options the government has for promoting the expertise of professionals in various areas, a conference with experts from the

³² Study by TNO, Movisie and the Dutch Youth Institute into the attention for domestic and sexual violence and child abuse in professional education in Youth (health)care, 2007.

educational field, youth (health)care, care in the community, the police, the judiciary and other professional groups will be organised in 2008.

The promotion of expertise of educational personnel with respect to awareness of domestic violence is achieved, among other methods, with refresher courses on domestic violence, developed by order of the Ministry of Education, Culture and Science. The purpose of these courses is to encourage the authorities in schools in primary education, secondary education and vocational and adult Education to give priority to providing refresher courses for their educational personnel to promote their ability to observe problem behaviour and signs of domestic violence at an early stage and forward this information through the right channels.

Violence against ZMV (*black, migrant and refugee*) women

In recommendation 28 the Committee asks that effect evaluations be conducted for the laws and policy relating to non-Dutch heritage, refugee and minority women and that data and analyses of these evaluations be included in the next report. The Committee also asks the State that is a party to the Convention to provide information on the number of women who have been given a residence permit and the number of women who have been given refugee status on the basis of domestic violence. In response to these requests, the following:

The starting point of the Dutch government in combating violence against women is that customisation is necessary in the approach so that diversity in origin or culture does not obstruct the effectiveness of the prevention, aid and criminal law approach.

Effectiveness starts with an understanding of the problems associated with violence and the specific problems that require particular attention with regard to ZMV women. In these areas, the government has initiated the following:

- A prevalence study into the prevention of domestic violence in the Netherlands. The study is aimed at increasing the understanding of preventing domestic violence in groups of native Dutch and non-Dutch heritage. The results of this study, which is being conducted by order of the Ministry of Justice, are expected in early 2009.
- Together with local and professional partners the government is developing an approach for violence-associated problems, whereby specific attention is needed for women and girls of non-Dutch heritage, such as with honour-related violence.

Discrimination against immigrants, refugees and ZMV women

In recommendation 28 the Netherlands is asked to take urgent measures with regard to discrimination against immigrants, refugees and ZMV women (conclusion 27).

The Dutch government has named the combating of discrimination as a spear point in its policy. In 2007 the Minister for Housing, Neighbourhoods and Integration sent Parliament a final report on the National Action Plan for the Combating of Racism from 2003 to 2007. Around the middle of 2008 the Minister for Housing, Neighbourhoods and Integration will submit a policy plan to the House of Representatives, which will indicate the way in which this Government aims to prevent and combat discrimination on the basis of race.

A legislative proposal is currently being developed that will obligate municipalities to give citizens access to an anti-discrimination facility. From 2009 every citizen will have access to such a facility for assistance in cases of discrimination on whatever grounds - including race and gender. In addition to providing assistance, the registration of reports will be a key task of the anti-discrimination bureau.

In addition to legislation, the structure within which citizens can take a stand against discrimination is also being reinforced. Local and regional anti-discrimination bureaus and the former National Bureau against Racial Discrimination have bundled their strengths and expertise in a new national association, Art. 1.

Available figures

In 2005 anti-discrimination bureaus received 2116 racism-based complaints nationally, which is 48% of the total number of complaints. The number of complaints about discrimination has dropped in recent years. In 2005, 191 gender-based complaints were submitted nationally, which is 4% of the total number of complaints. This is an increase compared to 2004, in which 111 gender-based complaints were submitted. The majority of complaints are submitted by women, and 4 out of 10 complaints based on gender relate to the employment market.

Expectations are that the total number of registered reports of discrimination will increase after 2006 because of improvements to reporting opportunities and a public campaign aimed at making victims of discrimination more prepared to report the discrimination.

The Immigration and Naturalisation Service (IND) is currently conducting a study into the implementation of gender-related policy on their part. This study relates to human trafficking, female genital mutilation, honour-based revenge, domestic violence, abandonment and policy in respect of homosexuals and transgender people. This study will provide statistical data relating to numbers of victims and types of settlement of requests for residence permits. However, these data are currently not yet available.

Projects for the safety of (non-Dutch heritage) women

In the reporting period there were 61 local projects subsidised by the government which were aimed at promoting the safety of women. The projects mainly targeted women from ethnic minorities, and varied from combating domestic violence to preventing genital mutilation.

Integration courses

In conclusion 27 the Committee indicates its concern about the expensive integration courses for women in the Integration Act. The Integration Act establishes a result-based duty of integration for all foreign nationals who want to live in the Netherlands permanently, irrespective of whether they are men or women. The duty of integration means that people must acquire the necessary knowledge of the Dutch language and Dutch culture, and pass the integration examination.

The starting point of the current law is that the person who has a duty of integration is responsible for preparing for this examination. Municipalities can, or must, provide certain groups of people who have a duty of integration with an integration facility; other people who have a duty of integration will have to take and finance these courses themselves where necessary.

A legislative proposal is currently before the Senate that enables municipalities to offer an integration facility to all people with a duty of integration. This means that municipalities can now provide custom services and, for instance, offer anyone who is in a weak financial position an integration facility.

However, persons who have been given an integration facility must always make a personal contribution of €270. In determining the amount, the position of benefits recipients was taken as a starting point. The government is of the opinion that this amount is reasonable and proportional for both men and women and feels that the Integration Act does not result in discrimination against women.

International

The Netherlands has successfully worked on the anchoring of the male/female perspective in a number of areas of foreign policy (recommendation 42). Nonetheless, in 2006-2007 it was noted that there is room for improvement in the connection between policy and implementation. The emphasis of the policy was on a general strategy of focusing on the position of women, so-called *gender mainstreaming*. The Ministry of Foreign Affairs has concluded that this one-sided emphasis on gender mainstreaming delivers insufficient results, as the practice has shown us that the focus on women's rights and the '*empowerment*' of women has been declining.

In 2007 the Netherlands subsequently defined seven priority areas in foreign policy for combating the progressive discrimination against women. These areas correspond with the conclusions of the UN MDG task force on gender equality, which provided advice on the areas of attention for achieving MDG3:

1. Secondary education for girls
2. Sexual and reproductive health and rights
3. Time-saving infrastructure for women
4. Well-regulated property and inheritance rights for women
5. Formal employment and equal opportunities in the employment market
6. Participation and representation of women in politics and administration
7. Combating violence against women

The focus is specifically on women in conflict areas, marginalised women and adolescents.

These priorities were established in the context of the so-called 'Project 2015', a government-wide project aimed at optimising the Dutch contribution to achieving the MDGs. In the 'Government agenda 2015', which was published in June 2007, the rights and opportunities for women and girls (MDG3 and MDG5) were once again given a prominent place in the integrated foreign policy.

The stepping-up of the policy is worked out in two policy documents. In the Development cooperation policy document entitled 'A matter for everyone' of October 2007, more attention for the equal rights and opportunities of women and sexual and reproductive health and rights have been included as one of the four central areas of intensification. For 2008, €30m in additional resources has been released, increasing to an additional €50m in 2010. In the Human rights strategy 'Towards a dignified existence', which was presented in November 2007, the improvement of the position of women and girls, and the combating of violence against women and girls in particular, has been named a priority. How this priority will be realised has been worked out in a number of concrete action points, ranging from promoting the implementation of the UN resolution on violence against women to the improvement of legislation and enforcement in this area. The emphasis of this intensification is on results. A proactive, result-oriented approach within the integrated foreign policy is the objective, whereby the government will be informed of the progress every other year by means of a specific results report.

Women's rights are human rights

For many years the Netherlands has played a leading role when it comes to the promotion of women's rights. Specific emphasis is given to the combating of all forms of violence against women, in particular gender-related (sexual) violence and the feminisation of the HIV/AIDS epidemic. At a local level the Netherlands supports a large number of projects and programmes of NGOs and government agencies in the area of the human rights of women. The rights of women are also addressed in bilateral dialogue with third countries, for instance during a visit from one of the Ministers or the Human Rights Ambassador.

The Netherlands also acts as a driving force in the UN human rights forums, in particular with regard to the theme of violence against women. In addition, the Netherlands works toward the rights of women becoming an integral part of the relationships the EU maintains with third countries. The Netherlands aims for the EU policy on this point to become more concrete, active and coherent. The latter is particularly relevant for the position of the member states in respect of sexual and reproductive health and rights.

Sexual and reproductive health and rights

For many years the Netherlands has been a country that actively works on improving the position of women and in particular sexual and reproductive health and rights (SRHR). In part as a result of the Dutch effort, an additional target for SRHR has been included under MDG 5: 'universal access to reproductive health by 2015'. As a result the implementation of the Cairo Action Programme (adopted during the International Population Conference in Cairo in 1994) has become better embedded. For the Netherlands, reducing the arrears with regard to MDG 5, and

therefore a reduction in maternal mortality as well as 'reproductive health for everyone', is a key objective in foreign policy. The Netherlands envisages a multi-sectoral approach, whereby not only the provision of, but also (the right to) access to and demand for information, service provision and resources are important. To this end the Netherlands contributes to reinforcing (basic) health systems with specific attention for the profession of midwives; to integration of sexual and reproductive health and rights and HIV and AIDS related services; and to the combating of the feminisation of the HIV/AIDS epidemic and the underlying causes thereof.

Together with international NGOs, the Netherlands is also working on:

- improving the quality of services, including family planning, the training of midwives and safe pregnancy terminations;
- more information, education and services for young people. Through educational programs in 10 partner countries the Netherlands is working on getting comprehensive sex education included in school curriculums;
- relaxing legislation and regulations relating to safe pregnancy terminations;
- increasing support within the EU for the promotion of sexual and reproductive health and rights, among other means by organising activities together with the newer EU member states;
- the combating of female genital mutilation of women and girls; this is considered child abuse.

To this effect the Netherlands supports the work of the WHO and other UN organisations and gives financial support to the Inter African Commission on Traditional Practices (IAC), which is active in 28 African countries. The Ministry of Foreign Affairs and the Ministry of

Health, Welfare and Sport also work together to improve the prevention of female circumcision in girls;

- creating a stimulating environment in health care and in the workplace. Women must not only have access to a place in health care where they can breast-feed and/or express milk, but also during working hours. With regard to breastfeeding, the Netherlands particularly supports the World Alliance for Breastfeeding Action (WABA) and the International Baby Food Action Network (IBFAN). Until 2007 the Netherlands also supported the International Code Documentation Centre (ICDC) that was established in 1985 to ensure a focus on the implementation of the *International Code*, a unique and invaluable tool for the protection and promotion of breastfeeding.

Violence against women

The Netherlands has successfully ensured that the combating of violence against women was put on the agenda by the UN General Assembly (UNGA). In 2006 the Netherlands and France submitted a resolution to the UNGA on the stepping-up of the combating of all forms of violence against women (A/RES/61/143). The resolution was accepted with consensus and calls on governments to take action with respect to violence against women and to develop and implement an integrated policy to combat this phenomenon. The UN is also called upon to expand and especially to improve the coordination of efforts in this area. At the initiative of the Netherlands and France, the UNGA adopted a further resolution (A/RES/62/) on the UN's follow-up of resolution A/RES/61/143 in 2007. The Netherlands has also made a substantial contribution to the '*United Nations Trust Fund in Support of Actions to Eliminate Violence against Women*', which is managed by UNIFEM. The Netherlands works closely with UN

organisations such as UNFPA and UNDP and a number of NGOs active in the area of UNSC resolution 1325, such as FAS, IWTC, WIGJ, to make gender-related violence a criminal offence at local and international level and support active prosecution and victim aid. The Netherlands also contributes to the establishment of a UN databank containing information and ‘best practices’ with regard to violence against women, by means of a financial contribution to the UN *Division for the Advancement of Women*.

Within general women's rights policy, the Netherlands has decided to pay specific attention to the combating of violence against women. In 2007 a start was made on active and intensified bilateral policy in this area. Social agreements were signed between the government and public and private partners with the objective of jointly combating violence against women in nine partner countries of the Ministry of Development Cooperation. In five countries a start has already been made. At country level the Netherlands contributes to the adoption of legislation in respect of the combating of violence against women and the combating of impunity by means of dialogue and concrete projects. On the basis of the human rights strategy, Dutch embassies in around eight non-partner countries will formulate a plan of approach this year on how, via dialogue and the supporting of concrete activities, they aim to make a contribution to the combating of violence against women by means of adopting legislation and combating impunity.

Women, peace and safety

In the past period the Netherlands has made active efforts to implement UNSC resolution 1325, by means of the formulation of a National Action Plan 1325. This plan was launched by the Ministers of Development Cooperation, Defence and Foreign Affairs, together with a large

number of representatives from Dutch development organisations and knowledge institutes, on 4 December 2007. The Action Plan is a joint product and can therefore count on broad social support. As a result of this Action Plan the already good collaboration in this area between the Ministry of Foreign Affairs, the Ministry of Defence, the Ministry of Internal Affairs and the Emancipation department and community-based organisations is expanded further, both in countries where the Netherlands itself is active and through actions in international forums.

Action points have been defined on the basis of 5 themes:

- The (international) legal framework
- Prevention, mediation and reconstruction
- International collaboration
- Peace missions
- Harmonisation and coordination

Among other things, for instance, military personnel who participate in peace missions in Afghanistan receive context-specific training on the roles and position of women in peace processes, the Ministry of Internal Affairs aims to include more female police officers in reconstruction missions, the Netherlands advises NATO on the integration of UNSC resolution 1325 within NATO operations and policy coordination meetings are held between the government and local active development organisations.

International Convention on the Rights of Migrant Workers and Members of their Families

In recommendation 43 it is recommended that the Netherlands sign the UN Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. In response to this recommendation the following:

At this point the Government has no intention to accede to the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. This is *inter alia* related to the Benefit Entitlement (Residence Status) Act (Koppelingswet), which entered into force on 1 July 1998 and which distinguishes between foreign nationals with and without legal residence status, and the consequences of that distinction for entitlement to social security benefits.

It should be noted that only states that can be characterised as countries of origin of labour migrants have ratified the Convention, while countries of destination have been reluctant to do so.

Furthermore it should be noted that the Netherlands works together with other EU member states in the area of migration. The other EU member states did not sign this UN Convention either. The unilateral signing and ratification of the UN Convention by the Netherlands is not logical.

Article 3 Ensuring the (personal) development of women

Introduction

Article 3 of the UN Women's Convention stipulates that the States that are a party to this Convention must take suitable measures in all areas, in particular in political, social, economic and cultural areas, including legislative areas, to ensure the full (personal) development of women so they can be guaranteed the enjoyment and benefits of human rights and fundamental freedoms on an equal footing with men.

In recommendation 2 of the CEDAW Committee on the 4th report, the Committee expresses its disappointment on the lack of information about Article 3 of the Convention.

The Netherlands has taken this recommendation to heart and, in this chapter, discusses the measures that have been taken to promote the development of women in the employment market, such as a working hours policy, more women in top positions and the combating of gender stereotyping of ZMV (*black, migrant and refugee*) women. Improved child care facilities are discussed in the paragraph on Article 11.

In this section we will also look at measures that have been taken in the context of recommendation 30. Recommendation 30 suggests that Dutch women must be given more opportunity to work full-time and that Dutch men must be encouraged to take more responsibility for childcare. Needless to say, the policy measures outlined below

are not relevant only to women, but also to men. Measures to make the combination of employment and care easier should have benefits for the mother as well as the father.

Labour participation

It is an objective of the Dutch government to increase the labour participation of women both in terms of numbers and in terms of hours. The sub-objective is the improvement of the employment/care combination.

The Emancipation memorandum lists the following objectives for 2010:

The percentage of women who are economically independent must be 60%. In 2005 this was 42%. The net labour participation of women must increase to 65%. In 2005 this was 54%.

A study by the SCP³³ shows that women, in virtually all phases of their career, prefer a part-time job and that one quarter of women would prefer not to work at all. If women were to act on their preferences – in other words have a part-time job as per their preference or not work/cease work – women would work an average of 20.3 hours per week. This is over two hours more than women currently work on average in the Netherlands.

The labour participation of women in the Netherlands is determined to an important extent by views on the care of young children. These views have changed considerably in the Netherlands in the past decades. In 1981, 35% of the population felt that a day

³³ Social and Cultural Planning Office of February 2008 (Nederland Deeltijdland (*The Netherlands part-time country*))

nursery was an acceptable solution. In 2004 that percentage had increased to 70%³⁴.

Still, views on proper family care continue to play an important role in the Netherlands.

Other factors are the traditional 9 to 5 working day, and the fact that women often have a lower hourly wage than men.

The good news is that the employment terms for full-time and part-time workers in the Netherlands are the same. In the Netherlands, the decision to work part time is often a free choice. This is also demonstrated by the aforementioned study by the Social and Cultural Planning Office in February 2008 (Nederland Deeltijdland (*The Netherlands part-time country*)). The study concludes that not only mothers with young children prefer part-time jobs. Two-thirds of women between the ages of 15 and 64 do not have children under 13, but still they work largely part-time.

In addition the so-called *marginal tax rate*. The marginal tax rate affects the level of the net secondary earner of a family. If this rate is too high the family income only increases very little in real terms if a woman works more hours. For this reason it often is not worthwhile for women in the Netherlands to work full time. In the Netherlands the breadwinner model of the 20th century appears to have been succeeded by a one-and-a-half earner model.

³⁴ Emancipation Monitor 2006. Respondents were asked how much they objected to a mother working outside the home if children attend a daytime nursery.

Here after we look at the figures on women and men and the policy measures of the Balkenende IV Cabinet for improving conditions in order to increase the labour participation of women.

With respect to labour participation, there are a number of different statistics. The CBS (Statistics Netherlands)³⁵ defines the net labour participation as the proportion of the employed professional population out of the total population in the 15-64 age group, whereby only jobs of 12 hours or more are included in the calculation. In 2005 this percentage was 54% for women and 72% for men.

To get an international picture the Eurostat figures are better.³⁶ The Netherlands scores highly when it comes to labour participation in terms of numbers of persons. But because many people have part-time jobs, the Netherlands drops quite a few places when the labour participation is expressed in a volume figure, whereby part-time jobs are converted into full-time jobs.³⁷

Women

With regard to the labour participation in numbers of persons, the Netherlands was in third-highest place in 2006 with 67.7 (Denmark 73.4, Sweden 70.7). Converted into full-time units, however, the difference is considerable: now the Netherlands is in third-lowest place with 42.9. Only Italy (41.4) and Malta (31.5) score lower.

³⁵ Central Statistics Agency (Statistics Netherlands).

³⁶ Eurostat publishes 'Employment in Europe' once a year. The statistical appendices with this publication contain the labour participation figures by country and by gender, expressed both in numbers of persons and in full-time units.

³⁷ The associated diagrams on labour participation in 2006 can be found in the appendix 6.

The labour participation of women in the Netherlands may have grown in recent years (by 2.5 percentage points in number of persons and 1.3 percentage points in full-time units between 2001 and 2006), but in the EU as a whole we saw a similar increase - in fact even a little higher (2.8 percentage points in number of persons and 1.6 in full-time units).

Men

In 2006 Dutch and Danish men switched places: Denmark is now in first place with 81.2 and the Netherlands are in second place with 80.9 (the EU average is 71.6).

In the Netherlands we are also seeing a decrease in labour participation in full-time units. Of the current 27 EU countries the Netherlands was in 7th place in 2001 with 75.0, in 12th place in 2004 and 2005 and in 2006 the Netherlands dropped to 13th place with 72.3.

This drop in the labour participation in full-time units is caused by the fact that in recent years men have started working part-time more often. According to Eurostat part-time work among men as a proportion of the total employment figure increased from 20 to 23 percent between 2001 and 2006, whereas in the EU-27 as a whole this increase was only from 7 to 8 percent.

The position of the Netherlands when it comes to men in full-time units is still well above the EU average, which is currently 69.4.

The calculation of the labour participation in full-time units differs per country and depends on the average number of hours a full-time employee usually works. According

to Eurostat's Labour force survey, the working week of a full-time employee in the EU ranges from 40 hours (Denmark, Finland, Lithuania) to 44 hours (Greece, Austria). With 40.9 hours the Netherlands scores below the average.

Difference m/f

Another interesting fact is the difference in labour participation (in full-time units) between men and women. The Netherlands is among the countries where the difference is very large, although it is slowly decreasing. In 2001 the difference was 33 percent, in 2005 30 percent and in 2007 29 percent. But in other countries this percentage is also decreasing, which means that the Netherlands is still at the bottom of the list. Only in Malta is the difference even larger.

Ethnicity

The labour participation among Turkish and Moroccan women in particular is considerably lower than among the native Dutch-heritage population. Of Turkish women between ages 15 and 64, 31% had a job of 12 hours or more in 2005, and among Moroccan women this number was as low as 27%. Among the man these percentages were 57% and 52% respectively.

Policy

For the past years and coming years there are policy measures and intentions in order to promote the labour participation of women in terms of persons and in terms of hours.

Reducing the marginal tax and premium burden:

As a result of the progressive income tax, the income-based cost of childcare and the reduction in, for instance, rent subsidies, working extra hours has relatively few benefits in the Netherlands.

Nearly 40% of all people who are working part-time would 'lose' more than half of their gross income from working extra hours as a result of the marginal burden. This makes working more hours very unattractive. A reduction of the marginal burden could stimulate the participation of (part-time working) women. The government is taking the following steps to reduce this burden:

- Increasing the additional combination tax credit (as of 1 January 2008) and gradually separating it from the income (as of 1 January 2009). This will reduce the marginal burden. For the partner who earns the least, it will pay to work extra hours because the value of the tax credit will increase with the income.
- The transferability of the general tax credit is being gradually reduced over 15 years, starting on 1 January 2009. This reduces the marginal burden for people re-entering the employment market and part-time workers (so-called re-entry trap and part-time trap). This measure applies to those who were born after 1971 and do not have children in the 0-5 age group.
- Increasing the employed persons' tax credit (as of 1 January 2008) and making it income-dependent (as of 1 January 2009). This will reduce the re-entry trap. This measure will increase the gap between employment and benefits so that it becomes financially more profitable to work.

Part-timePlus Taskforce

The government set up the Part-timePlus Task force early in 2008. The main objective is to get women to work more hours. This requires a cultural change in companies and a more positive self image among women themselves. It must become easier and more attractive for women to work more hours. In many companies the opportunities for working flexible hours are still too limited. The objective of the Taskforce is to eliminate obstacles to the increased labour participation of women with small part-time jobs, especially in relation to the care of children. The background to the institution of the Taskforce is the desirability of increasing the labour participation in numbers of hours in view of the aging of the population, the expected personnel shortages and the desired increase in the economic independence of women. This expansion of the labour participation requires both a cultural change among employers and a more positive perception in society of women who combine employment and care. It is the responsibility of the Taskforce to draw the attention of individual employers to the advantages of expanding the labour participation of women with small part-time jobs and - among other means with examples of solutions - support them in considering the opportunities within their own organisation.

In addition the Taskforce will contribute to the social debate about the labour participation of women, by drawing attention to the advantages of women working (more). The Taskforce will not primarily focus on specific sectors, but aims to have a general national appeal. The Taskforce was established for a period of two years.

Time and location-independent working

The government is having a cost/benefits analysis conducted of the effects of time and location-independent working in a number of policy areas (e.g. labour participation of women, traffic congestion problems, air quality). Flexible working hours and teleworking make it easier to

combine work and care tasks and therefore have a positive effect on the labour participation (of women) and also a positive effect on other social objectives. Making the current teleworking scheme more flexible also corresponds with this.

Flexible working hours and teleworking

In its role of exemplary employer, the central government is promoting the introduction of flexible working hours and teleworking. A framework arrangement is in place, which can be further defined by the departments.

Social innovation

The Netherlands Centre for Social Innovation is focussing on the theme of more flexible labour. Best practices in the area of social innovation, including examples of more flexible labour and daily schedules can be found in the database of the Dutch Centre for Social Innovation. Through the use of social innovation employers can attract more potential target groups and better utilise existing employees.

Measures for well-functioning personal services

The government wants to see more people working in the coming years. In the Participation Summit with the social partners, this intention resulted in agreements to give people at the lower end of the employment market in particular, more opportunities for work. It is harder for these people to find a job. The stimulation of the market for personal services plays an important role in this approach. A bigger market for personal services results in more jobs for the less qualified.

An additional effect is that the people who purchase these personal services have more hours available for the employment market. This is a dual benefit.

This is why the government is taking measures to further stimulate the market for personal services. These are mostly general measures that have a positive effect on the market for personal services, in addition to the existing 'Services at home' scheme.

The aforementioned tax measures apply to the entire lower end of the employment market: the enhancement of the income-dependent employed person's tax credit, the reduction and ultimate elimination of the transferable general tax credit and the enhancement of the income-dependent combination tax credit. These measures will decrease the tax burden at the lower end. This will benefit the lower end of the employment market.

In addition the government is investigating possibilities for an experiment with a premium-free zone. This experiment concerns the introduction of a lower limit in the insurance obligation for employee insurance schemes. Below this limit the insurance obligation is abolished. By doing this, the government is acting in anticipation of a more comprehensive viewpoint on a recommendation by the Social and Economic Council regarding the range of people the insurance must cover. The Economic Institute for Small to Medium-sized Companies expects that, at a lower limit of 20% of the statutory minimum wage, this measure will result in 14,500 small jobs, with 1,100 full-time jobs. The formal sector in particular, including cleaning companies, will benefit from this measure. The 'white price' in the market for personal services will come down and will be closer to the current 'black price'. This will help stimulate the 'white' circuit.

Working hours policy, municipalities and provinces

In most municipalities in the Netherlands the 9-to-5 culture is dominant. Nearly all economic activities take place between 9 a.m. and 5 p.m. As a result combining work and private life is not always easy, which results in combination stress.

In recent years a number of municipalities have implemented projects relating to location-independent services, convenient opening hours and flexible working hours, in order to simplify the combination of employment and private life. For a number of municipalities this was cause to not just look at the opening hours of their own departments, but also enter into a discussion with relevant partners and come to agreements with, among others, libraries, supermarkets, shops, post offices, banks, installation companies, childcare facilities, GPs, dentists, physiotherapists and pharmacies.

Based on the aforementioned projects, the Minister of Emancipation came to administrative agreements (Forerunner agreements) with 12 municipalities and 2 provinces to give this change accelerated shape in practice. It was announced in the Emancipation memorandum that further efforts in this area will be made in the coming years. The objective is to come to administrative agreements with at least 25 municipalities. This approach will expressly map out what obstacles Forerunners encounter in this change, so that they may be eliminated. Implementation among these forerunners will be made visible and as a result, others will follow. This movement may be considered a first step in the cultural change.

The Ministry of Education, Culture and Science is currently mapping out the supply and demand with respect to the opening hours policy in various municipalities. The supply is mapped out by means of 'the fleximeter', which is currently being conducted in 25 municipalities throughout the country. The purpose of the Fleximeter is to make it clear to municipalities to what extent their supply of flexibility, smart opening hours and availability of services is sufficient. The result of the fleximeter will give a picture of the 7-to-7 policy in the 25 municipalities. In addition to mapping out the supply, the Ministry of Education, Culture and Science is also offering 25 municipalities support in mapping out the demand of citizens by means of a citizen survey. This is an inventory of citizens' satisfaction with the current possibilities. By mapping out the supply and demand for opening hours of service providers, the wishes of citizens can be concretely linked to improvement points in the situation for each municipality. Ultimately, the use of the fleximeter will result in custom advice for the 25 surveyed municipalities. From these results, general trends and obstacles will be formulated.

Flexible opening hours in the healthcare sector

The Dutch Care Authority (NZa) has been asked to investigate how critical care must be organised effectively and on a chain basis so that patients receive speedy, high-quality and effectively organised healthcare. Evening GP surgeries can be considered in the light of this critical care chain. The NZa report will be published in the summer of 2008; the Minister of Health, Welfare and Support will formulate a standpoint on the basis of this report.

Student mothers

Students who are in MBO (*intermediate professional education*), HBO (*professional education*) or at university, and have children, certainly if they are single, encounter a lot of obstacles in combining study and childcare. In the spring of 2007 the Support Point for Student Mothers took an inventory of obstacles and submitted this to the House of Representatives. The Minister of Education, Culture and Science undertook to meet with representatives from the institutes and the students. On the basis of this consultation it was considered, during a roundtable meeting with all the parties involved (student mothers, faculty deans, institutes, the Ministry of Education, Culture and Science) where the obstacles are and what the possible solutions are.

Some of these obstacles can be resolved by improving the provision of information. Together with the Support Point for Student Mothers Foundation, the Ministry of Education, Culture and Science is currently evaluating how information provision may be improved and made more accessible to mothers on the one hand and faculty deans and institutes on the other hand. The various parties involved will also have to talk to each other. As result of this meeting the House of Representatives will be kept informed by means of memorandums.

Re-integration policy in the context of the Work and Social Assistance Act

The re-integration policy has been decentralised by the new Work and Social Assistance Act. By placing the responsibility for the reintegration instruments where the knowledge of local situations and clients is the greatest, in other words the municipalities, general resources and instruments are used most effectively. In 2007 an Administrative agreement was signed by the central government and the Association of Netherlands Municipalities (VNG), which stated that in this government term at least 25,000 people who are not entitled to benefits and who are some distance from the

employment market, will be reintegrated. For an important part these are women who want to re-enter the employment market.

In order to be able to make a better choice in the process of combining employment and care, the government plans to provide a right of exemption from the duty of work, of a maximum of six years, at the request of single parents with children under the age of five who are entitled to benefits.

ESF3 subsidy scheme for combining work and care

As already mentioned in the former report, the sixth cluster of the European Social Fund's objective 3 programme is for combining work and care (sometimes called 'daily routine'). In the period 2000-2007, 1% of the total available ESF3 budget in the Netherlands (amounting to €24m) was allocated to experiments aimed at making it easier to combine work and care. In four subsidy rounds a total of 177 experiments were subsidised, covering the following themes: 'ethnic minority task combiners', 'small-scale (care) businesses', 'rural areas', 'localised time initiatives', 'flexible school hours and daycare provision', 'flexible working hours' and 'time, space and transport'.

Besides this, implementation processes disseminated the successful results of earlier experiments to other organisations and helped to incorporate them into local or central governmental policy or other measures. The starting point for the fourth and last round of experiments, which was completed in September 2007, is broadening the availability of facilities relating to labour and care from '7 to 7' rather than the existing practice of '9 to 5'. In this fourth round, the implementation of a previously developed successful Daily Routine solution is the focal point. The further

implementation of the Daily Routine solution takes place (among others) within the ‘from 7 to 7’ project/the working hours policy.

The experiments have generated a range of possible solutions to the problems that people combining work and care encounter: the ‘care broker’ (who takes over management tasks), convenience services in the neighbourhood, respite care provided by host families or formal care institutions, better use of the personal budget option, leave arrangements, the introduction of flexible working hours, and employees’ management of their own working hours. These solutions meet the needs of employers in the current (tightening) labour market.

Corporate experiments focus on personnel policies that take into account the various types of care tasks and each employee’s personal circumstances. These policies focus to a large extent on the circumstances and wishes of employees and the problems they face. Experiments are also increasingly conducted in the more ‘male’ sectors: construction, the metal industry, transport, installation and electrotechnology.

Women in top positions

The CEDAW Committee is concerned about the fact that few women in the Netherlands occupy top positions and they mainly do work that results in a lower income (recommendation 29).

Top positions in the government are dealt with under Article 7 (participation in political and public life). This chapter looks at women in education management and female entrepreneurship.

More women in education management (Ministry of Education, Culture and Science)

The proportion of women in the management of educational institutes has increased in recent years; however, from the viewpoint of proportional representation it is desirable that the share of women in management is increased further. This is primarily the responsibility of the educational institutes themselves. Through a number of regional platforms that focus on improved coordination between supply and demand in the education employment market, specific agreements have recently been reached about promoting the advancement of female teachers to management functions. Other institutes can learn from the good practice this will result in.

In support of the emancipation policy of the institutes, a number of projects have been facilitated aimed at promoting the share of women in management. As examples we can list the dual-job project, the breeding ground projects, the Incentive scheme for beginning head teachers in primary education, the project conducted by School Managers in secondary education aimed at promoting more women in management and the Aspasia programme in higher education.

In addition, in the agreement that was reached on 30 June 2006 with the employers' and employees' organisations in primary and secondary education with regard to the

professionalisation and support of educational personnel, result agreements were made about the further increase of the proportion of women in management in primary and secondary education. The agreements in this covenant will be evaluated in 2008 and are aimed at having more female teachers flow through to management functions by means of further training; the reason for this is the anticipated outflow of managers in primary and secondary education up to 2015.

The group of recently appointed school heads in primary education is a proportionate reflection of the total teacher complement. Combined with the further feminisation of the profession, the implemented policy has had positive effects on the influx of women in school management functions. However, it remains important to monitor the proportionate representation. If there is reason to do so, agreements can be made about instruments to be used in line with the professionalisation agreement.

Expectations are that by 2015 the proportion of female head teachers in secondary education will have increased to around 30 percent. At present around one in five heads in secondary education is female.

The increase in the proportion of female head teachers is mainly associated with the outflow of many (older) male heads into (pre) retirement and the influx of relatively more (younger) female heads.

As the professionalisation agreement relates only to primary and secondary education, no result agreements have been made about the further increase in the proportion of women in management in the vocational and adult education sector and in the higher education and

scientific research sector. Separate incentive measures have been taken for these sectors. Below we look at these measures further.

Vocational and adult education

The vocational and adult education sector (bve sector) has also received an additional long-term budget of €10.5m that can be used for the professionalisation and support of educational personnel, such as continuing education for female teachers to progress into management or higher management functions. The bve sector will make its own agreements about the use of these resources.

At present around one third of managers in the vocational and adult education sector are women. In the coming years this is expected to increase to around 39 percent by 2015. This is associated with the outflow of many older male managers and the influx of relatively more (younger) women. The proportion of men in the outflow of managers is currently around 70 percent. The proportion of men in the influx of managers is around 56 percent.

Universities

Personnel policy is in the hands of the universities themselves (and strongly decentralised within this). So far it has therefore not been possible for the Ministry of Education, Culture and Science to enforce female positions. Opportunities for firm performance agreements (and indicators for them) are being considered. This subject and the topic of diversity are being discussed in the policy-rich dialogue with the institutes. See below under 'more women in academia'.

Research institutes

In the academic research field, too, the proportionate representation of women in higher academic and administrative functions is the target. Incentive measures exist for proportional representation in academic research.

More women in academia

In conclusion 17 the CEDAW Committee indicates its concern about the low proportion of women in higher functions in academic institutes. The percentage of female professors has increased from just over 5 percent at the end of the nineties to around 10 percent today. The key objective of the academic policy is to promote a continuation of this trend. The appointment of more female professors in particular is essential because of their exemplary role and their influence on the sphere of power in the academic world. To this effect 1m Euros are being contributed to the Aspasia programme in 2008. The purpose of this programme is the advancement of women to the top in the academic field.

Policy evaluations in recent years³⁸ have shown that the participation of women in academia has increased, but the gender bias problem has most certainly not been resolved in the higher functions of the academic field. It is therefore necessary to continue on the successful road we have started. In view of the number of female professors (in 2006), at least 143 female professors are needed to achieve the target percentage of 15 percent of female professors by 2010. The percentage of female professors is around 10% of the total number of professors.

³⁸ Evaluatie Vernieuwingsimpuls (*Innovation Impulse Evaluation*), Technopolis/Dialogic, 2007.

In addition there are still remuneration discrepancies between men and women that have to be eliminated. Universities appear to have insufficient success in following social trends and it is clear that here lies a task for the government.

To this effect additional resources are needed for a generic programme in which the fragmentation of policy instruments that has occurred will be eliminated and in which existing programmes will be accommodated, which will be supported by bilateral meetings between the Ministry of Education, Culture and Science and universities.

1. Administrative dialogue with the institutes (focus on underutilised female potential, transparency of the selection procedures, the objective of equal remuneration, naming and shaming).
2. Enhancement of person-specific talent programmes aimed at the advancement of women to the top of the academic field.

Dutch 'women in academic policy abroad'

The Netherlands also wants to contribute to the envisaged International and European position, with which considerable economic and social added value can be created. In response to the European objective, the Netherlands has formulated its own target of 15 percent of female professors by 2010 (the EU suggests 25 percent).

For the 2008 'Women in Science' programme, around €m has been reserved for gender activities (workshops, conferences, research, network organisations, forums):

- gender management in research organisations;
- the influence of the perception of science on study selection;

- gender mainstreaming in Community research policy and programmes;
- gender and leadership in the healthcare sector;
- She-Figures 2009³⁹;
- European Platform of Women Scientists (EPWS);
- expert group on stock-taking of 10 years' activities on women in science.

In addition the Netherlands is active in the Helsinki Group, a group consisting of functionaries and gender experts from the EU member states, which was established in Helsinki and focuses on exchanging best practices and national standpoints in the area of women in science.

The Netherlands also contributes to European comparison material by supplying statistical data for, among others, the She-Figures and the Emancipation monitor. Finally the Netherlands provides English-language information on Dutch subsidy programmes for women in science and the Netherlands speaks about the situation in our country at international meetings.

Instruments:

- the University and research institutes have been asked to make diversity a part of their regular personnel and career policy; however, the Ministry of Education, Culture and Science cannot hold them accountable;
- via the policy-rich dialogue, commitment agreements have been made about the improvement of the representation of women in higher academic and administrative functions;

³⁹ She-Figures 2009 are published by the European Commission. This concerns statistical data on the employment situation of male and female researchers to monitor and promote the process of progress in gender equality. She-Figures were previously published in 2003 and 2006.

- additional funding has been utilised within the Innovation Impulse programme to subsidise excellent women who fell just outside the award ('Women in II' component);
- financial support for the new style Aspasia incentive programme;
- the ESF-Equal-project, 'participation as priority', receives financial support;
- a study into gender discrepancies within selection mechanisms for higher academic functions receives financing;
- the National Network for Female Professors (LNVH) which, among other things, took a good inventory of data on women with professor potential and has given the starting shot for its network and mentoring function in the field, receives financial support.

Stimulation of female entrepreneurship

Female entrepreneurship is stimulated through the support of networks of female entrepreneurs. In addition, the transition from being an employee to being an entrepreneur is made easier. This makes entrepreneurship attractive for women in particular, because they often prefer to work part-time. The registration period for the voluntary sickness and disability insurance with the UWV (*employee insurance schemes implementing body*) is being extended from 4 weeks to 13 weeks. The Government is studying the problems of occupational disability in independent entrepreneurs. A facility for micro credit is being introduced. This facility is expected to make it easier for women, people from ethnic minorities, benefits recipients and lower-educated people to take the step into entrepreneurship. Finally, the target value for the participation of women in trade missions is being increased from 10% to 20%.

The stimulation of more women in high positions in business (glass ceiling) comes back under Article 5, like the Glass Wall programme which has the objective of better utilising female talent for courses and professions with a male image.

Women of non-Dutch heritage

The CEDAW Committee expresses its concern about the persistence of gender stereotyping, in particular of ZMV (*black, migrant and refugee*) women. The Committee urges a study to be conducted into the consequences of this persistent stereotyping. It calls for a public campaign with respect to the negative consequences the stereotypes have on society. Furthermore, the Commission indicates (in conclusion 27) that it is concerned about the various forms of discrimination against ethnic, refugee and minority women with respect to access to education, the employment market and healthcare and the prevention of violence against them. Under Article 4 we look at the discrimination monitor for non-Western ethnic minorities in the employment market.

In the past period a number of measures have been taken to improve the position of women from ethnic minority groups.

Both the PaVEM Commission ⁴⁰ and the implementation of the Plan of approach on ‘Emancipation and Integration’ (2004-2006) have ensured extra focus on the participation of women from ethnic minority groups.

The Plan of approach on ‘Emancipation and Integration’ was a joint initiative of the responsible Ministers of Emancipation and Integration. The realisation of the plan partly ran parallel with the efforts of the PaVEM Commission. This has proven to be a good combination. The Commission, consisting of prominent figures including her Royal Highness Princess Maximá, came to agreements with aldermen from the 30 largest municipalities about raising the ambition of having women from ethnic minority groups participate. The municipalities were subsequently offered concrete instruments and subsidies to implement these agreements through the Plan of approach on ‘Emancipation and Integration’.

This collaboration between the central government and municipalities has ensured that the participation of women from ethnic minority groups has risen to a higher position on the agenda of municipal policy. As many women from this group do not receive benefits and are therefore often not visible to municipalities, the majority of the municipalities has not given priority to activating these women in the past. This situation has changed in the recent period.

⁴⁰ PaVEM: Participatie van vrouwen uit Etnische Minderheidsgroepen (*Participation of women from Ethnic Minority groups*), 2003-2005 It was the task of this Commission to collect successful practical examples from society and to advise municipalities on policy. The Commission supported the 30 largest municipalities in achieving the increased participation of ethnic-minority women in activities in society. Among other things this consisted of involvement in the employment market and other social activities. All local experiences and successful initiatives were collected and offered to the remaining municipalities. In addition the Commission monitors the implementation of the Government policy in this area.

Over 29,000 women and girls from ethnic minority groups were reached with the ‘Emancipation and Integration’ plan of approach.

The results of the PaVEM Commission have been embedded. A number of examples are:

1. The establishment of the Ethnic-minority Women and Labour Direction Group (RAVA) in February 2006. The Direction Group played a role in translating the agreements PaVEM made in the area of employment into results. At the initiative of the Direction Group, ten municipal projects aimed at mediation to assist ethnic-minority women in finding employment were financed. To this end the instruments developed by PaVEM were used, such as coaching, the establishment of networks and empowerment training.
2. The network for and by ethnic-minority women that was called into life by the PaVEM Commission will continue as the independent Pafemme Foundation. The objective of the Foundation is to stimulate the participation of ethnic-minority women, with a focus on economic independence. Pafemme plays a role in the creation of local networks and in building bridges to the women. Local participation teams originate from this Foundation. These local p-teams consist of ethnic-minority women who voluntarily fulfil an advising and agenda-setting role for the position of ethnic-minority women within their municipality. Preparations are in progress in 21 municipalities for the establishment of a local p-team.
3. Following on from the TaalTotal (Total Language) action plan of the PaVEM Commission, the government has made funds available to enable municipalities to finance extra integration facilities for women from ethnic minorities.
4. The Ministry of Education, Culture and Science has taken up the initiative of the PaVEM Commission to stimulate the social participation of ethnic-minority women with the aid of

volunteer organisations. All important partners, such as the Red Cross and Humanitas, have an active role. This has resulted in the 1001Strengths project.⁴¹

5. Together with the Minister of Integration and the Orange Fund, the PaVEM Commission has enabled the establishment of a Management of Diversity and Integration Chair. The chair at VU University Amsterdam is currently filled by Dr. Halleh Ghorashi.

Other methods to improve the position of ZMV women are:

Projects to promote the social participation of women from ethnic minorities

54 local projects aimed at promoting the social participation of ethnic-minority women were subsidised by the government in the reporting period, ranging from participation of older migrant women to women for whom the step to the employment market is still too big and participation is a way of joining in society.

Perception in the employment market

The combating of negative perceptions and discrimination of ethnic minorities in the employment market via the national discrimination monitor project.

Job Offensive for Refugees

Together with the Stichting Vluchtelingen Studenten (*Foundation for Refugee Students*), Emplooi (*Employment*) and the Centre for Work and Income, and with a subsidy from the Ministry of Social Affairs and Employment, the Dutch Refugee Council has started a Job

⁴¹ The 1001Strengths project is further explained here after.

Offensive for refugees. The objective of the project is to mediate to help 2600 additional refugees into employment in 3½ years. In the autumn of 2005 the first 70 placements had already been realised. The Job Offensive will run until the end of 2008.

Healthcare pilots

Six healthcare pilot projects have also been developed whereby healthcare employers specifically recruit ethnic-minority (Turkish and Moroccan) women. These pilots will run until the end of 2008 or the middle of 2009. Based on the results it will be decided whether stepping-up of this initiative is among the possibilities.

National Network for Diversity Management

Since the termination of the Employment of Minorities (Promotion) Act in 2004, the current policy is mainly based on stimulating, convincing and supporting employers in implementing a diversity policy. On 1 January 2005 the National Network for Diversity Management (DIV) was established for this purpose. Among other things, DIV collects instruments and good practices in the area of diversity policy and advises employers on implementing a diverse personnel policy. Instruments were also developed that map out the diversity of personnel, such as the Diversity Quick Scan. In addition there is a Diversity Ambassador Network.⁴² From 2008 onward DIV will focus on advising shortage sectors and branches of the SME sector.⁴³

⁴² The network consists of small to medium-sized employers and representatives from large companies and the central government. This network works on inspiring and stimulating employers to anchor diversity in their organisation.

⁴³ Small to medium-sized company.

Iedereen doet Mee (*Everyone Joins In*)

In the context of 'Iedereen doet Mee'⁴⁴ specific agreements have been made with social partners about increasing the opportunities for people from ethnic minorities who are looking for work, and for women. Local and regional initiatives aimed at ethnic-minority women are supported by means of a leaflet containing successful methods and best practices, and via a training module.⁴⁵

1001Strengths

1001Strengths (1001 Kracht) is a programme that promotes the participation of 50,000 vulnerable ethnic-minority women through volunteer work. Volunteer work offers opportunities for self development and participation and can also be a step-up to paid employment.

On 8 March 2007 the Minister of Education, Culture and Science, the Minister of Housing, Spatial Planning and the Environment, the Minister of Social Affairs and Employment and the Minister of Health, Welfare and Sport and the aldermen of 6 large municipalities signed an agreement to this effect. In this project, municipalities, volunteer organisations and migrant organisations work together for the recruitment and support of ethnic-minority women in volunteer work. This creates a cohesive range of activities for ethnic-minority women, from activating language meetings, empowerment training, mediation and support in volunteer work

⁴⁴ The current government is opting for a higher labour participation, by everyone. In the context of the 'Iedereen doet mee' (*Everyone Joins In*) programme, 200,000 extra people will find employment. Agreements have been made with municipalities about 75,000 benefits recipients and 25,000 people who are not in receipt of benefits.

⁴⁵ The target group must benefit particularly from the general measures the Government wants to take to resolve obstructions in the employment market (in order to prevent stigmatisation). This concerns, for instance, additional training or being able to combine labour and (child) care. Only if this general approach is not sufficient will specific measures be taken.

through to an EVC (*Recognition of (previously) Acquired Competencies*) process that corresponds with education or paid employment.

As much as possible, 1001Strengths streamlines with existing processes and initiatives relating to integration, assimilation or re-integration. In this term of government 1001Strengths will be expanded to 25 municipalities.

Empowered neighbourhoods

By means of an extra impulse the government wants to turn problem neighbourhoods back into empowered neighbourhoods. These are neighbourhoods that have serious problems with regard to living, working, learning and growing up, integration and safety. The central government, municipalities, housing corporations, parties such as businesses, the police, welfare work and schools *and* the residents themselves, will jointly determine the objectives and also jointly use funding and other resources.

The Action Plan for Empowered Neighbourhoods has a number of angles where there is specific attention for women. In this context the government is stimulating the establishment of community schools, centres for youth and family and community centres in the neighbourhoods. This corresponds with the findings of the Daily Routine Commission (workgroup 7-to-7). One of the challenges is also to better utilise the talents of ethnic-minority women, for instance by making micro credits available.

Article 4 Measures for the equality of men and women

Article 11 Equal rights with respect to labour

Introduction

This chapter looks at Articles 4 and 11 of the UN Women's Convention. Article 11 stipulates that suitable measures must be taken to banish discrimination against women in the labour process.

Article 4 stipulates that temporary measures aimed at accelerating the actual equality of men and women are not regarded as discrimination. The Dutch government is taking temporary measures to promote the equality of men and women in the employment market.

Women earn less than men. Part of the explanation for this remuneration discrepancy is that men and women work in different sectors, women are less likely to move into higher positions and they accumulate fewer years of experience. However, part of the explanation for the remuneration discrepancy is difficult to find. It is true that in the countries that surround us there is also a discrepancy in remuneration but, compared to these countries, the Netherlands is not doing very well. The government will therefore make every effort to end this inequality.

Income distribution in the public sector and the market sector

The remuneration of employees is different in the public sector to the market sector.⁴⁶ Men in the market sector earn more than men in the public sector. Women in the public sector, in contrast, have a slight remuneration advantage. The remuneration discrepancies between men and women

⁴⁶ SEO Amsterdam Economics (2006). *Beloningsverschillen tussen de marktsector en de collectieve in 2004* (Remuneration discrepancies between the market and public sectors in 2004). Amsterdam: SEO Economisch Onderzoek (*Economic Research*).

in the market are therefore greater than the discrepancies between men and women in the public sector.⁴⁷ In 2002 women employed by the government earned 15% less than men, in 2004 this was 14% less. However, the corrected remuneration discrepancy increased by 1%, from 3% in 2002 to 4% in 2004.⁴⁸ In the business sector the uncorrected remuneration discrepancy between men and women dropped slightly from 22% in 2002 to 21% in 2004, but the corrected discrepancy remained the same at 7%. The Ministry of the Interior and Kingdom Relations, as government employer, will conduct a study into the scope of the remuneration discrepancies between men and women in the government sector on the basis of the available data. Based on this zero measurement a plan of approach will be formulated, in consultation with the Ministries and the Public Service Unions, to reduce the measured discrepancy in the coming term of government. This zero measurement in the government sector will also serve as the basis for a further expiration of the status of and approach to remuneration discrepancies in other government sectors.

⁴⁷ *De arbeidsmarktpositie van werknemers in 2004* (The employment market position of employees in 2004), The Hague, 2006.

⁴⁸ Indicators with respect to the monitoring of remuneration discrepancies can be found in appendix 7

Measures and intentions

During the Participation Summit⁴⁹ the government came to agreements with the social partners for dealing with the remuneration discrepancy. As a result of the Emancipation memorandum the government accepted a motion to drive out the corrected remuneration discrepancy in the government.

In March 2007 the workgroup ‘Equal remuneration, that works!’ submitted its final report and recommendations. The CEDAW Committee asks the Netherlands (in recommendation 30) to take the results of the Equal Remuneration workgroup into account and to adopt the relevant measures listed in this report and elaborate on them.

In its report the working group makes five recommendations to both the government and the social partners as well as other parties involved:

1. Promoting compliance with legislation and regulations
2. Use of the CAO (*Collective Labour Agreement*) for determining an employee’s scale and combating exclusion
3. Training for salary negotiations
4. Use of the Works Council in equal remuneration
5. View equal remuneration in a broader context

The recommendations of the working group are aimed at the government and the social partners. These recommendations are spread broadly. The first and fifth recommendation in particular look

⁴⁹ Consultation between government and social partners on employment (June 2007).

at the role of the government in equal remuneration. The government takes measures to generate awareness of, among other things, unequal remuneration on the part of employers. Awareness with regard to the entire subject of discrimination is very important, as it frequently happens that employers are not aware they treat people differently and remunerate them unequally.

Awareness-raising activities can change this situation.

The objective of the Netherlands is to promote equal opportunities in the employment market and access to the employment market by offering protection against unequal treatment in employment and profession.⁵⁰

The following activities are undertaken:

- The combating of unjustified age discrimination through information, consultation with social partners, compliance with jurisprudence and consultation and collaboration with the Age Expertise Centre (LEEFtijd);
- Implementation of the Directive relating to the application of the principle of equal opportunities and equal treatment of men and women in employment and profession (recast Directive). This Directive adapts the terminology of earlier European equal

⁵⁰ In order to protect employees and those looking for work against unequal treatment and to guarantee that everyone has equal opportunities in the area of labour and employment, the following instruments exist:

- Equal Treatment on the basis of age in labour Act;
- Equal Treatment of men and women Act;
- Act against discrimination on the basis of working hours;
- Equal Treatment of temporary and permanent employees Act;
- Equal Treatment Commission;
- Commission for the handling of complaints regarding employment examinations;
- Subsidy to the Age Expertise Centre.

treatment Directives to jurisprudence and introduces an unambiguous definition of certain terms from previous Directives;

- The combating of unlawful unequal remuneration through information, research, development of instruments and consultation with social partners;
- Supporting employers, among other means via the Equal Remuneration Quickscan, the Equal Treatment Management Tool, the Manual on Gender-Neutral Function Evaluation and the Appointment Examination Guideline;
- Integration of the Equal Treatment on the basis of age in labour Act, the Equal Treatment of men and women Act and the Equal Treatment on the basis of disability or chronic illness Act into the general Equal Treatment Act;
- The promotion of a careful recruitment and selection policy, particularly on the basis of age and ethnicity, through subsidisation for awareness-raising activities.

Labour participation of specific groups

The objective of the government is to eliminate factors that obstruct the labour participation of specific groups - senior citizens, young people, ethnic minorities and women of non-Dutch heritage - in addition to and in reinforcement of the general employment market policy.⁵¹

⁵¹ Instruments for promoting the labour participation of specific groups are:

- Temporary subsidy arrangement to stimulate age-aware policy
- Communication project under the management of GrijsWerkt Direction Group (*Grey Works*)
- Action plan for reducing unemployment among over-45s
- Measures to promote diversity policies among employers.

Activities to promote labour participation among young people are, among others, the policy programme ‘Everyone Joins In’, the No Risk Policy pilot programme in three municipalities⁵² and finally Operation Young (Operatie Jong).⁵³

Discrimination monitor of non-Western ethnic minorities in the employment market

The discrimination monitor is a result of the Employment Summit of 1 December 2005, where the government and the Labour Foundation formulated a ‘tripartite policy application in the area of education and work’, in which a large number of agreements were made aimed at increasing the labour participation of various groups. The result is the development of the ‘Discrimination monitor for non-Western ethnic minorities in the employment market’. The objective of the discrimination monitor is to map out the nature and scope of discrimination on the basis of race, religion and nationality in all aspects of the employment market and the developments therein over time. The discrimination monitor contributes to realising a better understanding of the actual scope of discrimination in the Dutch employment market. In the realisation of the monitor the differences between men and women are of course taken into account.

A summary of the conclusions

- ✓ Various study findings indicate that discrimination against non-Western ethnic minorities in the employment market obstructs access to the employment market (influx) and the obtaining of permanent employment.

⁵² This is an effect study into the financial coverage of employers’ risk of continued wage payment in the event of illness for young people in a block or day release training/education process.

⁵³ Activities aimed at ethnic minorities can be found under Article 3.

- ✓ Discrimination appears to have less effect on the position of employed people from ethnic minorities. People from ethnic minorities and people from the native-Dutch heritage population who have comparable employment-related characteristics such as education, experience and knowledge of the Dutch language have comparable professional positions and incomes.
- ✓ The differences in the employment market position of women from ethnic minorities and women from the native-Dutch heritage population are explained better by the variables included in the model than the difference between men from ethnic minorities and men from the native-Dutch heritage population. It may be that discrimination on the basis of ethnicity affects ethnic-minority women less than ethnic-minority men. However, further study is required to clarify this. Among women, discrimination plays a greater role in the influx rather than affecting the position of already-working women. This applies particularly to Turkish and Moroccan women. Surinamese women hold a special position: with regard to employment market position (well integrated), Surinamese women do not differ from comparable native-Dutch heritage women.
- ✓ In the period 2004-2006 approximately 400 complaints and reports about employment market discrimination against non-Western ethnic minorities were submitted to anti-discrimination agencies (ADBs) per year. Most of these complaints relate to discrimination in the workplace (43%); followed by recruitment and selection (24%) and (threatened) termination of employment (12%). Most complaints are submitted by Moroccans. Many of the complaints relate to wearing a head scarf.
- ✓ In the period 2004-2006 the Equal Treatment Commission issued 93 opinions about discrimination experienced by people from non-Western ethnic minorities in the

employment market. In more than half of the cases the Equal Treatment Commission declared the complaint unfounded. Most of the opinions (40%) relate to recruitment, selection and employment mediation. In 30% of the opinions, relationships in the workplace - discriminatory conduct including harassment and insults – are involved.

- ✓ People from non-Western ethnic minorities experience that they have to make more effort to achieve the same employment market position as people from the native-Dutch heritage population. They often feel that they have to prove themselves more and that they are watched more closely. They experience that they have to prove continually that they do not fit the - unfavourable - image of their group.
- ✓ People from ethnic minorities who are looking for employment take discrimination into account by, among others, avoiding specific companies and sectors, omitting to include information on their country of birth in application letters and taking off their head scarf at work. However, the latter is not common.

The conclusion that the unexplained remaining inequality among women not explained by the variables is smaller than among men, as a result of which it appears that women are faced with (ethnic) discrimination less frequently than men, is not entirely satisfactory because other explanations (differences between sectors) can also play a role. In 2008 a further study will be conducted by means of practical tests, in which this aspect will specifically be raised. The results and possible solutions were discussed with the social partners during the conference about the discrimination monitor on 15 November 2007.

Promoting the combination of work and care

To enable employees to (temporarily) adjust their working hours for the purpose of performing care tasks, the following instruments exist: Work and Care Act, Working Hours (Adjustment) Act and the Life course savings scheme. The functioning of the Working Hours (Adjustment) Act is being investigated in consultation with the social partners.

The government plans to increase parental leave from 13 to 26 weeks starting 1 January 2009. In view of the preferences of young parents, the length of the leave has been made sufficient that two working parents can care for their child themselves during its first year of life if they both utilise their statutory right to parental leave. The parent is eligible for a parental leave allowance in respect of the parental leave taken, provided he/she participates in the life course savings scheme. This parental leave allowance is half of the minimum wage for each leave hour taken. In the case of full-time leave the parental leave allowance is approximately €650 per month. This right is not transferable.

Public pregnancy and childbirth benefits for self-employed persons

The Committee is concerned about the revocation of the Invalidity Insurance (Self-Employed Persons) Act in 2004, which resulted in the cancellation of the pregnancy benefits for independent entrepreneurs (recommendation 29). The Minister of Social Affairs and Employment has submitted a legislative proposal to the House of Representatives for a pregnancy and childbirth allowance scheme for self-employed persons. The effective date was 4th of June 2008. The main reason for setting up the scheme is to protect the health of mother and child. This allowance will financially enable female self-employed persons and co-working spouses to stop

working in the period prior to and after childbirth. The main outlines of the legislative proposal are as follows:

- Effective 1 July 2008 the Work and Care Act will incorporate an entitlement to pregnancy and childbirth benefits.
- The duration of the benefits is the same as that of the pregnancy and maternity leave for employees: 16 weeks.
- The amount of the benefits is based on the income of the self-employed person in the previous year and is a maximum of 100% of the statutory minimum wage.
- Benefits premiums and implementation costs are financed from general funds.
- The scheme will be implemented by the UWV.⁵⁴

The Childcare Provisions Act

Effective 1 January 2005 the structure of child care provisions in the Netherlands was changed fundamentally with the objective of simplifying the combination of work and care. The objective was to stimulate the use of childcare facilities, so increasing the labour participation of parents with young children and particularly of women.

⁵⁴ Employee Insurance Schemes Implementing Body.

Uniform funding

Up to 2005 there were a number of different financial schemes for a childcare: subsidies to childcare organisations through municipalities, tax schemes for companies and tax schemes for employees. As a result, parents' opportunities for using childcare facilities depended strongly on their individual situation. With the introduction of the Childcare Provisions Act, the financial access to childcare has become more uniform and legal equality for parents has been increased.

The Childcare Provisions Act focuses on childcare in day nurseries and through childminding facilities. Before the introduction of the Act only the cost of mediation and support by childminding agencies was subsidised for childminding care, and not the cost of the childcare (childminders) itself. Under the Act parents receive a contribution for the total childcare costs. This has increased the accessibility to childminding care. The quality level of the childcare for children in the 0-4 age group is being increased. In addition to group training at MBO (*intermediate professional education*) level, group leaders at HBO (*professional education*) will also be employed.

After-school childcare

In the autumn of 2006 the Legislative proposal on after-school childcare was adopted by the House of Representatives. As a result of this Act the elementary schools became responsible, on 1 August 2007, for providing after-school childcare. This gives parents the opportunity to combine care and work. A study was also initiated into the status of holiday childcare. Many schools do not have a continuous roster, which may cause problems for working parents.

The study will specifically look at any problems associated with volunteer payment. In various regions the demand exceeds the supply and waiting lists are being created. These bottlenecks are looked at.

Developments in the use of childcare facilities

In the past 10 years the use of childcare facilities has increased enormously. Just after the introduction of the Childcare Provisions Act in 2005 the demand declined somewhat. As a response the government increased the allowance for medium/high incomes both in 2006 and in 2007. The employer's contribution has also become compulsory since 2007. This means that for all employees, one-third of the childcare costs are reimbursed. For employees who previously received no or only a very small contribution, this means a higher allowance. At the same time the administrative burden for parents is being simplified because the payment of the employer's contribution, like the government contribution, is arranged through the Tax Authority. The use of childcare facilities has now increased strongly. The number of children in daytime childcare increased by 22.4% between the middle of 2006 and the middle of 2007 and the number of children in after-school childcare by 43.5%.

Table 2: Number of children in childcare facilities with a childcare allowance

	Middle of 2006	End of 2006	Middle of 2007
Day nurseries childcare	184,300	207,000	225,600
After-school childcare	103,700	116,400	148,800
Day nurseries childcare and after-school childcare	288,000	323,400	374,400

Source: Tax Authority policy information

Arrangement for day nurseries facilities and combination jobs: This arrangement enables municipalities and provinces to reinforce a social infrastructure by means of combination jobs and comprehensive day nurseries facilities for children to the age of 16, in order to make it easier to combine work and care. The objective is to realise a continuous supply of childcare, education, lunchtime childcare and sport and cultural activities. The government and municipalities are responsible for 45% and 55% of the costs respectively.⁵⁵

From 2008 the government wants to intensify and bundle the policy in the area of community schools, sport and culture. This cabinet also wants to increase the number of extended schools considerably. The coalition agreement and the policy programme set ambitious objectives that the government would like to realise in conjunction with municipalities and the educational, sport and cultural sectors. From 2008 the Ministry of Education, Culture and Science and the Ministry of

⁵⁵ The subsidy scheme will run until 31 July 2008.

Health, Welfare and Sport will be making a financial 'boost' available, intended for the deployment of professionals who will form a bridge between a number of sectors and, in this capacity, also broaden and reinforce the sectors in question. The objective is to arrive at 2500 combination jobs by 2011.

Article 5 Changing socio-cultural behaviour patterns. Eliminating prejudices and family education

Introduction

Where does inequality between men and women come from? If the rights and educational level of men and women are the same, as is the case in the Netherlands, how is it possible that men and women still end up in different positions? And to what extent are these differences problematic and changeable?

A significant part of the current unequal position of men and women is based on differences in labour participation and economic independence. Explanations for differences in labour participation may be found in both economic and socio-scientific areas. According to many economists, existing differences will ultimately disappear once women start to work more.

According to many sociologists, the limited labour participation of women is largely determined by social and historic factors. This chapter looks at cultural behaviour patterns such as the choice of education, the Glass Ceiling, the Glass Wall, sexualisation, the role of the man etc.

'Plan the role of the man'

A point of criticism of the House of Representatives with respect to the Emancipation memorandum was the fact that the only objective of the previous government that was aimed at men (share of care tasks 40% by 2010) has now been abandoned. In 2008 a Cabinet response will be sent to the House of Representatives on the subject of the increased involvement of men in the emancipation process. The government's Family memorandum, which will be published in the autumn of 2008, emphasises the importance of active, involved fatherhood.

More male teachers

In order to achieve a more diverse personnel complement, more men should choose the profession of teacher. The teaching profession becomes more attractive for men through increased function differentiation, more opportunities for career advancement, more opportunities for advancement to other sub-sectors in the educational field, good employment conditions, improved opportunities for professionalisation during the career and increased social appreciation of the profession.⁵⁶

The Glass Wall

In the period 2005-2007, the ESF-Equal Project 'The Glass Wall' was realised, aimed at the improved utilisation of female talent for study directions and professions with a male image. Key figures from the educational field and the employment market in particular were contacted and involved (schools, companies, government institutes, such as the Centre for Work and Income).⁵⁷

In 8 pilots involving a total of 150 female participants, experiments were conducted with programmes in which girls and women in various phases of their life were supported in their study and professional choices. These pilots were held in a number of regions.

⁵⁶ According to the Education Sector Employment Board (SBO) (study entitled 'Paboys wanted')

⁵⁷ This project (budget: 2.5m Euro, funded by Europe and the Ministry of Social Affairs and Employment) was set up and realized by the Ministry of Education, Culture and Science and the Ministry of Social Affairs and Employment, in conjunction with centres of expertise in the area of emancipation/science & technology, such as the VHTO.

As an ‘umbrella’ across these pilot projects, a campaign was held aimed at getting the theme of ‘breaking through the glass wall’ higher on the agenda of relevant key figures. The aim was to demonstrate that the glass wall *can* be broken through, what the (economic) added value is of doing so and how this can be achieved. This message was also given a face: girls and women in a study or profession with a male image were portrayed as ‘quite ordinary’. The pilots were also portrayed and influential key figures were given the floor.

The results of the project and of associated activities of the Science and Technology Platform are promising: schools and companies that give targeted attention to encouraging girls and women score better in attracting and keeping female talent. In order to achieve effects at macro level (in the national figures), it is necessary to distribute the developed approach more broadly.

Glass Ceiling and Talent to the Top Charter

The Emancipation memorandum lists the following target figure: a minimum of 20% women in the top of the business sector by 2010. To this effect the Glass Ceiling Ambassador Network is subsidised, among other things. The Ambassador Network consists of prominent administrators from business, the government and non-profit organisations and is aimed at stimulating the advancement of women to top positions. Although the proportion of women in top positions is increasing, this development is progressing only slowly. The Ambassador Network is proving to be eminently suitable in putting the ‘Glass Ceiling’ on the agenda, but is not sufficiently able to achieve a true turnaround. This fact has been acknowledged and as a result it was decided to develop a ‘Talent to the Top’ Charter in conjunction with the government, business and the social partners. For this purpose the Taskforce ‘Women to the Top’ was set up. Companies can commit

to the Charter on a voluntary basis. By doing so they commit themselves to the contents of the Charter, including the objectives and measures aimed at getting more women into top positions, and must account for achieving or not achieving these objectives.

During the 'Talent to the Top' meeting in May 2008 the charter has been presented and signed by the first 45 organisations.

It will be evaluated whether the Charter and the Ambassador Network can be connected with the Glass Ceiling Index of the Ministry of Education, Culture and Science (benchmarking instruments with respect to women in top positions) in making the situation within a company visible and comparable against that of fellow businesses in the sector.

In addition, attention will be paid to the added value of diversity for business and the economy in general. This can also stimulate companies to increase their m/f diversity. The Charter and the Ambassador Network may be useful in this context by providing companies with the instruments and best practices they need to increase their proportion of women at the top. The Frijns Commission has also given recommendations for the inclusion of diversity in the Tabaksblat Code (Dutch Corporate Governance Code, aimed at sound company management). In addition, express attention is given to the criterion 'Women in top positions' in the transparency benchmark for Socially Responsible Entrepreneurship. Increased transparency can strengthen the stimuli for companies to actively aim for the utilisation of female talent in their personnel policy.

Sexualisation

A social debate has arisen in the Netherlands about the portrayal of girls and women as sex objects, and about unrealistic beauty ideals and the increasing commercialisation and sexualisation of the female body in the media. The government has decided to evaluate what the possible consequences are of the sexualisation of society.

The current sexual morality among young people appears to be leading to a coarsening of sexual etiquette, which puts the physical integrity and safety of girls at risk. One in 6 girls and one in 20 boys under the age of 25 have been forced to perform or submit to sexual acts that they didn't really want to. Around one third of all sex offences reported by young people in the years 1996-2004 were committed in group context.

Approach:

The Dutch government envisages a role for itself in areas where there are extremes of sexualisation, such as threats to physical integrity or sexual violence, in contributing to the protection of young people when parents are unable to do so. However, this requires a thorough exploration of the effects the sexualisation of society has on (the physical and mental health of) girls and boys.

The government has set itself the following targets:

1. Gaining an understanding of the sexualisation of the role of girls and women in society: there are indications that being confronted with sexually charged images influences the sexual behaviour and self-image of young people. These indications are a reason for research. In the coming years the consequences of the sexualisation of (the role of girls and women in) society

will be studied. The relationship between religion and culture and violence/intimidation against girls will also be included in the study.

2. Increasing the resistance of girls and boys against (sexual) violence:

Extra attention will be given to the sexual and relational education of young people in schools.

Young people will be taught how to deal with the messages and images they are confronted with in the various media on a daily basis.

In addition, it is important that teachers are able to recognise signals of sexual intimidation or (sexual) violence at an early stage and deal with them adequately. For these reasons it will be explored how the promotion of the expertise of teachers in this area can be increased.

It is also important that children, parents, teachers and experts are supported in learning to deal with media communications: media awareness. The aspect of media awareness receives attention in the educational field and is already being dealt with in some schools. It will be evaluated what is needed to increase the media awareness of young people, carers and professionals (including teachers) and how a safer media offer can be realised.

In order to address the portrayal of girls and women as sex objects, as well as unrealistic beauty ideals and the increasing commercialisation of the female body, the government will evaluate how a more realistic image of girls and women can be stimulated.

It is notable that a number of professionals in the healthcare sector have expressed their concern about the increase of plastic surgery (particularly corrections to the female genitalia). They want to investigate whether a code of conduct may be formulated for physicians with respect to

cosmetic interventions. It is interesting for the government to see how this subject can be put on the agenda with these professionals.

3. Prevention of teenage pregnancies

To effectively combat teenage pregnancies it is necessary to have a good idea of the causes and scope of the problem. The problem of teenage pregnancies is concentrated in specific areas and specific population groups, particularly Surinamese and Antillean girls (recommendation 37). Among these groups we see both unwanted pregnancies and an ill-considered choice for motherhood. Among others, this is demonstrated by the relatively high number of pregnancy terminations in these groups. The second factor, the ill-considered choice for motherhood, is mainly associated with the idea that these girls increase their status by having a child and also obtain a better social position, for instance through the independent entitlement to child benefits. A specific and problematic consequence of teenage pregnancies is that girls with unplanned pregnancies are rejected by their families. This government feels that these girls need help and support to prepare them for an independent existence. The government will give an extra boost to the assistance for girls with unplanned pregnancies and teenage mothers. To this effect, the target group must be well reached. The assertiveness and resistance of (potential) teenage mothers must be increased.

Centres for Youth and Family

In accordance with the coalition agreement and the Cabinet policy programme, the realisation of Centres for Youth and Family is being implemented decisively. By 2011 these centres must provide national coverage. For parents, children *and* young people (ages -9 months to 23) these

Centres are a central point for questions on growing up and raising children, for adequate and suitable assistance, and for coordination of this assistance. The centres are there for *all* parents, children and young people, not just for problem families. After all, growing up and bringing up children is fun, but sometimes also difficult. The Centres are also a central point for professionals in the case of early observation of problems. The Centres bring together various authorities and functions that currently work too much in parallel to each other. It is therefore specifically *not* the intention to add an additional (bureaucratic) layer.

The basic model for the Centres for Youth and Family that will be legally anchored consists of the five functions of the preventative youth policy from the Social Support Act and the basic package of youth healthcare tasks from the Public Health (Preventative Measures) Act. This includes child-raising support and family coaching. The contribution of youth healthcare services in the Centre for Youth and Family guarantees that the development of the child can be monitored during the lifecycle. The connection between the Centre for Youth and Family and the indicated healthcare and between the Centre for Youth and Family and the Care and Advice teams also form part of the basic model.

Article 6 Combating women trafficking and the exploitation of prostitution

Human trafficking

The government of the Netherlands recognises that trafficking in human beings (THB) is a modern form of slavery that needs to be addressed adequately. Because of the importance of an integrated approach, responsibility for the Dutch policy on trafficking in human beings is shared by several departments (Ministry of Justice, Ministry of the Interior and Kingdom Affairs, Ministry of Foreign Affairs, Ministry of Social Affairs and Employment, Ministry of Health, Welfare and Sports and the Ministry of Education, Culture and Science). This contribution describes the specific measures on the various areas of Human Trafficking policy in the Netherlands and refers to specific recommendations of CEDAW 2006.

The Netherlands was the first country to install an independent National Rapporteur on Human Trafficking. The National Rapporteur on Human Trafficking has consciously chosen a broad approach to the subject from prevention and provision of help to detection and prosecution, both nationally and internationally. The National Rapporteur regularly issues its findings and recommendations in a report. In June 2007 the Rapporteur issued her fifth report with concrete recommendations. June 2008 the National Rapporteur issued her latest report with updated statistics.⁵⁸ The sixth report is currently being translated and will be forwarded to you as soon as it is available in English.

⁵⁸ Enclosed you find the summary and recommendations of the 5th report (appendix 8).

In January 2005 new legislation on trafficking in human beings was implemented. In article 273f of the Dutch Penal Code the scope of trafficking is broadened to encompass all forms of exploitation (sexual, labour, i.e. forms of modern slavery). Furthermore, the maximum penalties were increased up to 12 years imprisonment in cases of serious bodily injury or danger of life and up to 15 years imprisonment in cases of death. The maximum penalties are higher, when the trafficker has committed other offences, for instance when the trafficker participated in a criminal organisation or forged passports. In those cases the maximum penalties can increase with one third.

Paid sexual activity with minors under the age of 18 years old is punishable separately in article 248b and article 248c of the Penal Code. Sexual assault and rape of minors under the age of 12 respectively 16 years old is punishable in articles 244 and 245 of the Penal Code.

In April 2006 the Board Procurators General has formulated Guidelines for the investigation and prosecution of offences of trafficking in human beings. These guidelines give the highest priority to cases involving sexual exploitation, exploitation of minors and trafficking in human organs. Regarding labour exploitation priority is given to excesses, such as deprivation of human rights or inhuman working conditions. Investigations are not limited to persons suspected of the offence of trafficking, but also to facilitators, accommodating transport, housing, identity papers and the recruitment of victims.

In December 2004, the Dutch government prepared a first National Human Trafficking Action Plan in which policy in the area of human trafficking is implemented in an integrated

multidisciplinary manner. 65 concrete action points are included in the action plan in the areas of human rights, legislation, prevention, protection of victims of human trafficking, detection and prosecution and investigation and registration. In February 2006 the so-called Supplementary Measures to the National Human Trafficking Action Plan were adopted, in which some subjects became more specifically relevant such as prevention and most importantly in the framework of this report, underage victims of human trafficking and youth prostitution. Elements from the National Action Plan and the Supplementary Measures are included in various parts of this report.

Specific attention has in recent years been paid to the problem of so-called 'lover boys'. In the Netherlands, the term lover boys is used to describe young men who seduce young girls with the main objective of getting them to work in prostitution. Many communities have acted on the information on lover boys and the provision of help to victims in the framework of their preventative work pursuant to the Public Health (Preventive Measures) Act and the Social Support Act. Communities that have not yet adopted an approach to this problem, can obtain information and advice from Movisie, the knowledge centre where the Youth Prostitution Expertise Office is housed, along with other relevant organisations. Communities can also turn to other organisations giving advice on tackling lover boys. In addition to this, a lot of (government) material on lover boys is to be found on the Internet. Via the website www.ppsi.nl (ppsi = prevention of sexual intimidation), a component of the Schools Safety Centre financed by the Ministry of Education, Culture and Science, the government offers current information on issues concerning sexual intimidation for all the relevant parties at schools, including parents.

Since 2004 trafficking in human beings has been one of the six key areas of the National Crime Squad Organised Crime based on the national threat assessment of serious and organised crime. The policy responses acknowledge that a flexible, differentiated and integral use of instruments provided in civil, administrative and criminal law is essential to combat trafficking effectively. This has resulted in establishing a multi-disciplinary Expertise Centre trafficking and smuggling of human beings in May 2005 under authority of the national coordinating public prosecutor for trafficking in human beings. Different organisations participate in this Expertise Centre: the national police, Royal Military Constabulary (Kmar), Immigration and Naturalisation Service and Specialised Investigation Services in Social Fraud (SIOD). Operational and analytical information and expertise is being collected, analysed and disseminated to all partners. In addition, each local prosecution service has appointed a contact prosecutor for trafficking cases. Chaired by the Procurator General responsible for trafficking in human beings, all contact prosecutors meet yearly to exchange information, best practices and new developments in crime and policy.

In November 2007 the Dutch government announced new measures in the battle against human trafficking. It is clear that a criminal law approach on its own will not be sufficient to deal with the problem of human trafficking. Under the header of the 'programmed approach' it is therefore being evaluated, together with other partners including local administrations, what thresholds can be erected against human trafficking. In order to further develop this programmed approach in the regions, a national Human Trafficking Taskforce has been set up in the beginning of 2008. The main responsibilities of this Taskforce will be the early identification and resolution of obstacles, ensuring the exchange of best practices and supporting the local and regional measures for the

combating of human trafficking. The conclusions and recommendations of the National Rapporteur on Human Trafficking of June 2007 will form the starting point for the activities of the Task Force.

Human trafficking is also one of the selected themes in the Programme for the Reinforcement of the Combating of Organised Crime of December 2007, with the result that many preventative, administrative and criminal law initiatives will be further implemented in the coming period. This approach has local as well as regional, national and international aspects and requires intensive collaboration between all the parties involved, including private parties and local administrations.

B9 regulation

In recommendation 24 the Commission calls for the extension of temporary protection visas and for the reintegration and support of all victims of human smuggling, including those who cannot or will not cooperate in the investigation and legal prosecution of human smugglers (see also conclusion 23). On this subject the following:

The B9 regulation is a residence regulation for victims of human trafficking that has been included in the Aliens Circular 2000 (Chapter B9). It is therefore a regulation for foreign nationals and not for Dutch victims of human trafficking or victims who are legally staying in the Netherlands as Community citizens. The B9 regulation regulates the residence status and access to facilities (support, medical care and income) for foreign nationals. Dutch citizens and Community citizens derive their right of residence and the access to facilities from their nationality and from Community law. Incidentally, not every EU citizen is automatically a

Community citizen. As and where applicable the B9 regulation is therefore also open to EU citizens who are residing in the Netherlands illegally.

The starting point of the policy is that even in the event of a minor indication of human trafficking any victim who resides illegally in the Netherlands is given the opportunity to use the B9 regulation. The regulation means that a victim is given a maximum of three months consideration time during which he/she will receive aid and support, so that the person in question can make a considered decision as to whether or not he/she will cooperate with the investigation and prosecution of the human traffickers. Since 16 November 2007 the criterion of reporting human trafficking as a condition for admission has been changed to the granting of cooperation to the police and the Justice Department. This means that even victims who do not request prosecution but who do cooperate with an ongoing investigation (by making statements and/or acting as a witness) can be granted residence in the Netherlands. During the consideration time the deportation of the victim is suspended. If the person in question decides to cooperate, he/she will receive a residence permit. This permit is valid for the duration of the investigation and prosecution and terminates when the investigation becomes final or by a court decision or if it is decided not to prosecute.

In extremely distressing cases there is also the option of the State Secretary of Justice granting a victim of human trafficking residence on purely humanitarian grounds, in other words, in cases in which it is clear that the person is a victim, but the victim cannot cooperate or is scared to do so. The option of invoking this so-called discretionary power existed before, but was rarely used. In 2007 organisational changes were implemented at the IND (*Immigration and Naturalisation*

Service) and agreements were made with aid providers to guarantee that these humanitarian cases are actively and more broadly submitted to the State Secretary so that he can give his opinion on each case.

At the end of the B9 period a victim can apply for continued residence in the Netherlands. In 2006 the policy was changed in such a way that, when the criminal prosecution has resulted in a conviction for human trafficking, the victim can be offered continued residence in the Netherlands. This also applies if the victim cooperates in respect of a human trafficking case and the suspect has been charged with this crime, but is ultimately convicted for another offence. If the case has resulted in an acquittal and the victim has been in the Netherlands for three years or longer on the basis of a B9 permit, continued residence is also a possibility. Since 1 January 2008 a victim of human trafficking can, after residing in the Netherlands for three years on the basis of the B9 permit, ask the IND to evaluate if he/she is eligible for continued residence, even if the criminal case is still ongoing. For other victims the rule applies that after expiry of the B9 permit it will be evaluated whether a return to the country of origin is an option. The B9 policy is also laid down as such in the Instruction of the Board of Procurators General, so that it receives broad publicity.

In 2006 and 2007 an influx could be seen of, specifically, underage asylum seekers who entered the Netherlands via Schiphol airport and of whom it was suspected that they were victims of human trafficking. A number of these foreign nationals disappeared from the asylum reception centres. There is a reasonable suspicion that they were picked up by the human trafficker or were instructed to leave the reception centre and return to the trafficker. Within this group, Nigerian

girls were the vast majority. A policy has gradually been developed for receiving underage foreign nationals who are at risk of human trafficking in a closed reception facility, which reduces the risk of them disappearing. A 'closed reception' pilot has now being started up for all underage foreign nationals of whom it is suspected that they were brought to the Netherlands for the purpose of being traded.

One of the main challenges is identifying victims of human trafficking as early as possible. Traffickers use different strategies to retain control over their victims and maintain victims' dependency. Traffickers do their best to conceal these strategies so they are not easily identified. Often multiple forms of dependency are being used by traffickers that are not easy to identify. To raise awareness amongst all actors in the field and of the general public, the police, together with involved Non Governmental Organisations developed an easy to use system to identify possible victims of trafficking. A system with over 70 risk factors and a list of specific working areas at risk (i.e. construction, agriculture, cleaning services) have been identified. The identification system is available to all actors in the field of trafficking in human beings and can be modified as new (strategic) information emerges. It will help authorities to take appropriate referral measures to protect the victim as much as possible, i.e. to refer victims to health care organisations and/or law enforcement.

In January 2006 a national campaign was launched 'Schijn Bedriegt' with the main aim to raise awareness on victims of trafficking in human beings. Specific focus is on persons who frequent prostitutes, employers and the general public. A hotline was opened 'Stop Crime Anonymously' which enables callers to report any indications of trafficking in human beings. The 2006

campaign resulted in 120 anonymous reports, some of which led to formal investigations. On 18 October 2007, the first EU day against Trafficking in Human Beings, another public awareness campaign was launched in the Netherlands called 'People are not merchandise' (Mensen zijn geen handelswaar'). The national campaign will be repeated in 2008.

Prostitution

In recommendation 22 the Commission suggests the appointment of a neutral, independent authority to evaluate the intended and unintended effects of the Act on the Abolishment of the Ban on Brothels (see also conclusion 21). In such an evaluation the risk of violence and health risks must also be taken into consideration, particularly for women without a residence permit who work in prostitution. The Commission asks the State, which is a party to the Convention, to include the results of such an evaluation in its next report, as well as information about steps and measures that have been taken as a result of the evaluation.

The general ban on brothels was lifted in October 2000. As a result it is no longer a criminal offence to run a sex establishment where adult prostitutes work of their own free will, provided certain conditions are met.

As per the request in recommendation 22, the health risks of prostitutes were evaluated in 2006. The results were published in the final report 'Evaluation of the Lifting of the Ban on Brothels'. Part of the report relates to the social positions of prostitutes in the licensed sector. For the purpose of this study 354 prostitutes were interviewed about their behaviour and attitudes with regard to their health. For verification purposes data was collected on women in the Dutch population in 2005 via the CBS (Statistics Netherlands). This study showed no significant

differences between the health of women in prostitution and that of women who do not work in prostitution.

The conclusions of the evaluations and the findings of the National Rapporteur on Human Trafficking have led to new measures on prostitution policy and legislation. The government announced new legislation with the main objective of tightening and harmonising the licensing system, strengthening control and law enforcement and improving the working conditions of prostitutes. Special attention will be given to the requirements that need to be imposed on prostitution via escort services or the Internet. The objective is for the Framework Regulation on Prostitution Licensing to come into effect in 2009.

In the definition of this Act attention will also be given to the opportunities for reinforcing control and enforcement. It has also been agreed that all partners with an enforcement function in the prostitution sector will make extra efforts in the coming period, both individually and in the form of joint enforcement.

Information and exit programmes for prostitutes

The Ministry of Social Affairs and Employment, the Ministry of Education, Culture and Science and the Ministry of Health, Welfare and Sport are currently conducting an exploration into the possibilities and requirements with respect to the provision of information and exit programmes for prostitutes. This exploration is expected to result in further measures in 2008.

Female victims of human trafficking

In recommendation 24 the Netherlands is urged to provide information on the number of women and underage girls who are victims of human trafficking (conclusion 23). The sixth report of the National Rapporteur on Human Trafficking of June 2008 is enclosed and contains the figures requested by the Commission.

Article 7 Participation in political and social life and

Article 8 Government representation at international level

Introduction

The greater part of this chapter deals with Article 7. What comes under Article 8 is the number of female Members of the European Parliament and women in higher functions abroad.

The SGP (National Calvinist Party)

In recommendation 18 the Committee indicates that the Netherlands must guarantee the representation of women in political and public bodies and that this representation must fully reflect the diversity of the population. Conclusion 25 and recommendation 26 in relation to the revocation of the appeal in the case about the exclusion of women by the SGP is an important point. The Committee advises that the Netherlands to introduce legislation to ensure that the criteria for requesting political assistance correspond with its obligations under Articles 1, 2 and 7 of the Convention, and withdraw its appeal and acknowledge the direct implementation of the Convention within the domestic legal system. The State appealed against the decision of the Court in The Hague because it concerns a matter of high principle whereby, among other issues, the clash of a number of constitutional rights in a political context and the relationship between employer and court are at stake.

This does not alter the fact that, at the same time, the State *did* respond to the order of the court to cease the subsidy to the SGP. The SGP lodged an administrative appeal against this cancellation of the subsidy in respect of which the Council of State as the highest administrative court (and

therefore subsidy court) judged on 5 December 2007 that the cancellation of the subsidy was wrong because there is no conflict with the UN Women's Convention. In its decision the Council of State indicates that Article 7, opening lines and under a and c, of the Women's Convention does have a direct effect, but that this does not necessitate the non-application of the Political Parties (Subsidies) Act. Among other considerations, the Council of State feels that the fact that the Women's Convention makes it compulsory for women to be able to participate in the democratic process weighs heavily, but indicates that the Netherlands complies with this stipulation within the spectrum of political parties seen as a whole: there are enough other parties that women can join. The Council of State feels there is no actual limitation to the right to stand for women. The freedom of political parties is so important that the government can only intervene if the party constitutes a concrete risk to the democratic legal order. The Council of State feels that this is not the case here.

The State (Ministry of the Interior and Kingdom Relations) subsequently resumed the subsidy. Meanwhile, the Court of Appeal has confirmed the court's decision in the civil proceedings, with the exception of the aspect of the subsidy entitlement, because the Council of State - as the highest administrative court - has already judged on this (decision of 20 December 2007). Separate from the above, the Court of Appeal feels that cancelling the subsidy is not an appropriate measure because it deems it unlikely that the SGP will accept the right to stand of women as a result of the cancellation of the subsidy. The Courts also states that:

- a. the State violates the UN Women's Convention by not taking measures against the discrimination within the SGP and that this violation is not justified by other statutory rights being involved;

b. the State must take measures that actively result in the SGP granting the right to stand to women. The State will have to implement a measure that is effective and, at the same time, constitutes the least infringement of the constitutional rights of the (members of the) SGP;

c. the measures to be taken must be laid down in an Act, but that it cannot order the State to take specific (legal) measures.

The government will appeal to the Supreme Court in relation to the importance of law formation and legal certainty and wants clarification of the following points:

- the mutual relationship between the constitutional rights, such as the ban on discrimination and the right to stand as opposed to the freedom of religion, the freedom of opinion and the freedom of association;
- the relationship between the court, the legislator and political parties. It has never before happened that the legislator or the court has had to intervene in a political party because of substantive views. The government wants to know to what level the freedom of political parties extends or must extend;
- the difference between the decisions of the Court of Appeal (civil law) and the Council of State (administrative law).

Women in politics and public administration

In conclusion 17 the CEDAW Committee emphasises its concern about the low proportion of women in high functions in all public sectors, including those at international level. In recommendation 18 the Committee requests that detailed data and information be provided in this

report about the representation of women, including ethnic, refugee and minority women, in elected and appointed bodies, at the level of decision-making for the period 2005-2008.

The objective of the proportion of women in political positions being increased to a minimum of 45% by 2010 has been included in the Long-term Emancipation Policy Plan for 2006-2010. The Emancipation memorandum no longer treats the theme of women in decision-making and administration as a separate theme, but links it to the theme of more women in top positions in the government, education and business.

The current status is:

Percentage of women	2003	2006	2008
European Parliament	44	44	52
Senate	33	29	35
House of Representatives	39	39	39
Provincial Council	29	28	36
Municipal Council	24	26	26
Administration of Water Boards	-	11	11*
Ministers	33	33	31
State Secretaries	50	40	55
Queen's Commissioners	8	8	17
Members of the Provincial Executive	17	17	30

Mayors	-	20	18
Aldermen	16	18	18
Chairmen of Water Boards	-	12	8

* No recent figures available

At the current rate the target figure of 45% will in many cases not be achieved. To prevent further stagnation in the increase in the number of women, it is important that this subject is put back on the agenda of all the parties that play a role in recruitment and candidate nomination and other intermediary contexts, such as the political parties and the Queen's Commissioners (in relation to the appointment of Mayors). Their cooperation and commitment are important. The emphasis is also on measures aimed at increasing the interest of women in political functions and promoting competencies through training and support. Furthermore, there is a requirement for auxiliary facilities, such as pregnancy leave and child care.

In the run-up to the 2006 municipal council elections the campaign 'Vote for a woman' was conducted, aimed at increasing the proportion of women in municipal councils. The campaign consisted of three parts. The first part was a train relay, whereby female (candidate) council members from 10 different municipalities spent ten days travelling the country by train to promote more women in municipal councils and draw attention to the option of a preferential vote for a woman. The second part was the generation of (editorial) publicity about women in municipal politics, partly relating to the train relay. Finally, a substantive debate was organised about women in (municipal) politics. The campaign

attracted a lot of attention and was further reinforced by a call from the Minister for Emancipation to vote for a woman.

The Minister of the Interior and Kingdom Relations is undertaking the following activities:

- In order to activate all parties that play a role in the appointment process for political administrative positions to make a contribution, within their capacity, to a larger proportion of women, the statistical developments are being monitored. The data up to and including 2007 have now been inventoried and will be included in the bi-annual trend memorandum.
- There is special attention for increasing the influx and advancement of women in the office of Mayor. This was recently expressed in a memorandum to the House of Representatives. The Mayor is a highly visible administrator in the municipality and the proportion of women is too far behind. It is therefore important that the interest of female candidates in the office of Mayor is increased. This must be achieved by the parties involved in Mayoral appointments. Apart from the Queen's Commissioners, the Dutch Association of Mayors has also promised concrete actions.
- In order to promote the number of women and people from ethnic minorities in the office of Mayor, a specific 'breeding ground' will also be developed. By means of scouting, prospects with experience of or an interest in public administration will be approached. This means that a larger group of women and people from ethnic minorities who are

qualified for the office of Mayor and who may be successful in an application will be available in the case of specific vacancies.

- As mentioned previously, there is also a need for auxiliary facilities. Childcare is mostly satisfactorily organised through the Childcare Provisions Act. In addition there is an Act for members of the House of Representatives, the Senate, the Provincial Council and Municipal Councils that provides for replacement and leave during pregnancy and childbirth. The emphasis, therefore, is now on a leave and replacement arrangement for aldermen, members of the Provincial Executive, and members of the daily administration of Water Boards.

Quota

The Committee indicates its concern that the Netherlands has not provided information about the use of quotas to accelerate the full participation of women, including ethnic, refugee and minority women, in public life and decision-making bodies (recommendation 17). The Netherlands has objectives for promoting the participation of (all) women but does not use quotas. However, there is a Framework Act on Advisory Boards. The objective of this Framework Act is for the composition of Advisory Boards to be a reflection of Dutch society.

Ethnic-minority women in administrative functions

A comprehensive overview of ethnic-minority women in administrative functions has been included in the appendix 9.

More women and minorities in Government Advisory Boards

There are still not enough women and members of minorities in government Advisory Boards. For this reason the government decided in November 2007 to start setting target figures: 50% of the members of Advisory Boards must be women, and 10% of the members of Advisory Boards must be members of a minority group. In practice this amounts to at least one member of a minority group per Advisory Board.

The appointment of members of Advisory Boards is the responsibility of the responsible Minister and the Cabinet. It has been agreed in the Cabinet that for Advisory Boards where the target figures have not yet been achieved, the (re)appointment of a chairperson or a member must, in principle, contribute to achieving the target figures.

Women in the Administration of Water Boards

Although the importance of participation of women in water management is recognised, women are still underrepresented in Water Boards. To change this situation the Dutch Council of Women, in conjunction with the Centre for Women & the Environment, will be conducting a project between January 2008 and January 2010. The objective of this project is to increase the number of female administrators in Water Boards. In the run-up to the Water Board elections in November 2008 a number of organisations will be encouraged to put female members on their lists of candidates and a national campaign will be held for women on lists of candidates. The elected female administrators will be trained and coached in administrative responsibilities. The objective of this project is for 30% of the administration of Water Boards to consist of women.

Employees in the public sector

In 2006 the personnel numbers in the public sector were nearly half women (49%) and half men (51%). However, there are differences between the different government sectors. For instance, in primary education we see mainly women (approximately 80%) and in Defence we see mainly men and only 13% of women. Differences in the male/female ratio do not only occur between sectors, but also between the top of organisations and the lower function levels. Women are represented less in the category of the top 10% of employees in a sector based on earnings, than they are in the organisation as a whole.

In 2006 the influx into the public sector was 56% women and the influx into top functions was 28% (these figures are not comparable because they were calculated differently⁵⁹). In order to increase the influx of women into top functions, attention must be paid to the career and advancement opportunities of women. As indicated earlier, the government sectors have different starting positions. This means that (the same) actions are not needed everywhere. A number of sectors, particularly sectors in the public administration, have a good starting position and must maintain it. In other sectors, particularly the security sectors, the influx of women (into top positions) will require additional effort. And finally, in a number of educational sectors, specifically in primary education and in university medical centres, it would be beneficial to have more men coming in.

⁵⁹ With regard to the influx of women we refer to influx from outside the sector, whereas the influx into top functions also refers to influx from other function levels.

One of the objectives of the fourth Balkenende Cabinet is to achieve a decisive, sound and diversely composed (central) government. To achieve a diverse workforce in the public sector by 2011, target figures have been formulated with respect to gender, ethnicity and age. The following two target figures were included with respect to the influx of women:

- by 2011 50% of the influx will consist of women.
- by 2011 30% of the influx into top functions will consist of women.

With regard to ethnic diversity, the objective of the government is to have the proportion of employees from ethnic minorities in the public sector increase by 50% in the period 2007-2011.

No further distinction is made in this with regard to the male/female ratio. In 2005, 5.7% of employees in the public sector were from non-Western ethnic minorities. Of these, 53% were female and 47% were male. Once again, there are differences between the various government

sectors. The government currently has the ambition to realise 2000 regular work placement positions within the government: one process for creating 1000 regular places at mbo

(Intermediate Professional Education)/hbo (Higher Professional Education)/wo (University

Education) level and one process for 1000 places for disadvantaged target groups without starting

qualifications. For both processes the rule applies that 50% of places must be taken up by men and women from ethnic minorities.

In order to support government employers at micro level, the Ministry of the Interior and Kingdom Relations will make the diversity index available in 2008. This index supports employers in giving shape to their diversity policy. The diversity index gives an idea of the composition of the workforce (gender, age and ethnicity) compared to the professional population

within a certain region, the national professional population and the sector. The diversity index will also, if the situation requires it, generate advice for achieving a more diverse workforce.

The government as employer

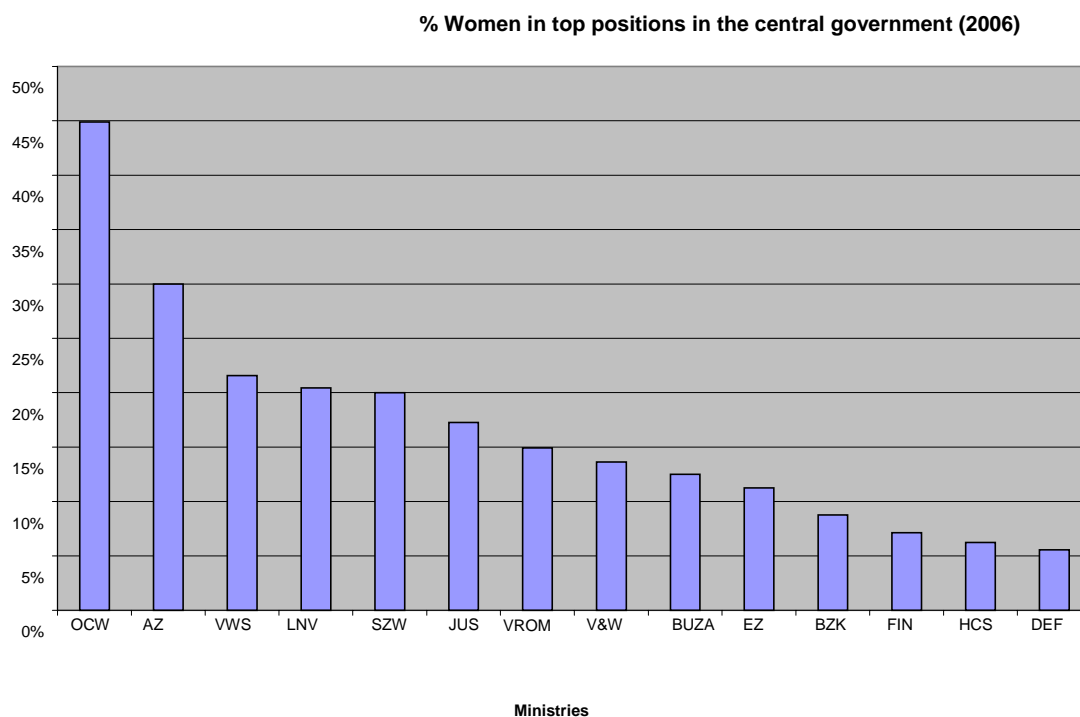
For the central government the objective applies that in 2011 at least 25% of the top functions (the Senior Public Service) must be occupied by women. Figure 4 shows the situation per Ministry. The government wants to set a good example by increasing the number of women in top positions within the government. The following actions will be undertaken to ensure that, in four years, one in four top managers is female.

- The Senior Public Service Bureau will actively bring female talent into the picture from inside and outside the central government with respect to vacancies.
- The Senior Public Service Bureau will formulate candidate lists for vacancies and will always nominate at least two female candidates.
- The Senior Public Service Bureau (responsible for filling the vacancies in the 800 top functions in the Dutch central government) will actively recruit women for the candidate programme, so that annually at least half of all candidates are women.
- In the context of the annual operational agreements with each minister, diversity at the administrative top is included as a specific item.

The departments aim for a situation in which Selection Committees for top functions preferably consist of 50% women or 25% at the minimum.

The influx and advancement of women in management functions in general (also below the top level) is also one of the objectives in the government-wide integrated diversity policy that came into effect at the start of 2007. After all, a one-sided composition of personnel does not contribute to an optimum fulfilment of its tasks for a modern government that citizens can relate to.

Source: Senior Public Service



Key:

OCW – Education, Culture and Science

AZ – General Affairs

VWS – Health, Welfare and Sport

LNV – Agriculture, Nature and Food Quality

SZW – Social Affairs and Employment

JUS – Justice

VROM – Housing, Spatial Planning and the Environment

V&W – Transport, Public Works and Water Management

BUZA – Foreign Affairs

EZ – Economic Affairs

BZK – Interior and Kingdom Relations

FIN – Finance

HCS – High Institutions of State

DEF – Defence

Investing in ‘the pipeline’ as a whole is essential for the advancement of women to the highest management levels. To this effect the departments are formulating their own plans of approach. Every year the Government Social Annual Report monitors what the proportion of women is in top positions and middle-management per department.

As much as possible, measures to increase the (gender) diversity within the workforce form part of the regular policy with respect to influx, advancement and maintenance. The career opportunities for women in the central government must be improved. As much as possible, this is achieved within the regular method of talent recognition and development and training. However, in addition some government departments are opting for separate management development tracks for women.

In addition to the integration of diversity in the general HRM policy of the central government there are a number of measures and parameters that must support central government departments in their endeavour to increase diversity:

- A diversity index is in place (May 2008), which government organisations can use for benchmarking purposes. The diversity index also generates ideas for achieving a more diverse workforce.
- Adequate basic information is available through the integration of the diversity perspective in data collection and research.
- A practical knowledge infrastructure is available via the Web (Diversity Knowledge Web on the Government Web) and as a ‘live’ interdepartmental network that exchanges experiences and jointly resolves obstacles.
- Awareness of the middle management via communication and agenda-setting, for instance on the unconscious bias in recruitment and selection processes.

In the first half of 2008 the government appointed 2 women in top functions (as Director General or Inspector General) in ministries. In 2007 the government appointed 10 women and in 2006 this number was 2; in 2005 no female DGs were appointed.

Women in the higher functions in foreign posts in 2007:

Ambassadors 20 women out of a total of 111 persons

Consuls General 4 women out of a total of 27 persons

Permanent Representatives 2 women out of a total of 15 persons

The police

The report entitled 'Etiquette, work perception and diversity in the Dutch police force in 2006' by the Rutgers NISSO group was published recently. This report is a follow-up to a study that NISSO conducted in 2000. The 2006 report showed that in most of the 16 police forces the study looked at, undesirable conduct has been the subject of policy plans and that a number of police forces also have developed a diversity policy. Investments are being made in the advancement of women and the prevention of unwanted employee departures.

Follow-up actions as a result of the NISSO report are primarily the responsibility of the individual police forces. With respect to appointments in top functions (Crown appointments), the Ministry of the Interior and Kingdom Relations aims for managers who support an open and people-focused climate.

In the collaboration criteria, the Minister of the Interior and Kingdom Relations has made agreements about diversity with the managers of the police forces. In the coming period investments will be made in the promotion of the influx and advancement of women and the prevention of unwanted departures. Specific agreements have also been made with the police forces about the influx of women into top functions. For the period 2008-2011 it has been agreed that of the new Crown appointments for police force management positions, 50% must be women and/or from ethnic minorities. When it comes to Crown appointments not relating to police force management, a target figure of 30% has been agreed. An influx programme and a talent

programme are currently being structured that are to ensure these objectives are achieved. The progress will be monitored on an annual basis.

It will also be investigated what the reason is that more women and people from ethnic minorities than men leave government employment. As a result of this research it will be evaluated what measures can be taken to prevent unwanted employee departures.

The Rutgers NISSO report shows that managers play an important role within the police.

Managers must learn to be aware of diversity issues and be able to hold employees accountable about undesirable conduct.

The fire brigade

In the last training round the participation of women in full-time officer training had increased to nearly 50% of the total number of students. These women are currently still in training and have therefore not been included in the latest statistics. At the top of the fire brigade organisation the first results of a larger influx of women into management functions are also becoming visible: the percentage of female regional commanders has increased from zero to 8% since 2004.

The number of women employed in the fire brigade has increased strongly in recent years. In the period 2000-2007 their number more than doubled to 1500. The number of female professional fire fighters increased from 145 to 313. The number of women working for the fire brigade as volunteers increased from 600 to 1200. In 2007 6% of fire fighters are female. For comparison purposes: in 2000 this was 3.3%.

In order to attract more women and people from ethnic minorities to the fire brigade, the project 'Fire brigade from the inside out' was started in 2005. This project, which was realised in close collaboration with the Association of Netherlands Municipalities and the fire-fighting field, was partially made possible by the Ministry of the Interior and Kingdom Relations and the European Union EQUAL programme, financed by funding from the European Social Fund. The central objective of this project is to achieve a cultural change that will result in more diversity in the fire brigade organisations, including more women fire fighters. Part of the project, among other things, is a recruitment campaign to recruit more women to the fire brigade and a process aimed at advancement of women to management functions. In order to interest women in non-officer functions in the voluntary fire brigade, the Ministry of the Interior and Kingdom Relations has developed information material in conjunction with municipalities, and started an information campaign in the fire brigades.

To promote the advancement of female professional fire fighters into management functions, a management track for 24 women in the fire brigade was started in 2006, in the context of the aforementioned 'Fire brigade from the inside out' project. The results of 'Fire brigade from the inside out' will be evaluated after the completion of this project in 2008. Based on the results of the evaluation the best practices from the project will be bundled. It will also be assessed how the campaign can best be continued.

In order to be better able to monitor the progress of the policy, a diversity monitoring instrument will be developed in 2008. This monitor will become part of the project 'Personnel provision,

Netherlands fire brigade'. The study will look at the entire workforce in the fire brigade in the short and long-term and, on the basis of scenarios, will investigate future influx, sideways influx, advancement and outflow of fire fighting personnel.

Women in the forces (Defence)

Below follow the target figures for women at the top in Defence, as well as the total share of women in the Defence department. As indicated in the 4th report, the Ministry of Defence has a gender policy with the following objectives and target figures:

- increasing the proportion of female military personnel to 12%, and an influx of 30% of women in the initial training. For female civil staff members the desired proportion has been set at 30%. These are target figures up to 2010;
- increasing the number of visible and influential female role models. Important target figures in this respect are a percentage of 20% women in civil salary scales 10 to 14, a percentage of 6% in scales 14 and up, a percentage of 6% in the ranks of Major to Colonel, and a percentage of 3% in the ranks from Colonel and up;
- creating an environment in which men and women feel at home in the organisation and in which they have maximum development opportunities.

To give a boost to achieving these objectives a Gender Action Plan was formulated at the end of 2004, covering the period 2004 – 2010. The realisation of this Action Plan has been in progress since 2005.

The Gender Action Plan consists of sub-plans for all Defence departments. The gender ambassadors, the deputy commanders of these Defence departments, are responsible for the

implementation of the sub-action plan for their own department. The progress of the Action Plan is monitored by the main Personnel Department. Here the actions are initiated and coordinated in close collaboration with employees of the Defence departments. Every six months the progress is discussed with the State Secretary of Defence, who has the ultimate responsibility in this area.

Support and coaching projects in the Ministry of Defence

- A mentoring project has been developed for female civil staff members and has now been embedded in the organisation. This is a process in which women can orient themselves with respect to a career in a supervisory function with the aid of a mentor and a number of workshops and meetings. In 2006 and 2007-2008 100 and 55 women took part respectively;
- Women above salary scale 15 are offered the option to participate in a government-wide intervision process;
- Meetings have been organised for female NCOs: the rollout to more structural programmes for this group still has to take place.

Article 9 Equal rights of obtaining, changing or retaining a nationality**Article 16 Equal rights in respect of marriage and family relationships**Introduction

In this chapter we look at the recommendations on law on surnames and further at foreign partner foundation and family reunification policy, and the dependant's residence permit. These matters apply at the here combined articles 9 and 10.

Law on surnames

The Commission has repeated its recommendation that the law on surnames be revised and brought in line with the principle of equality, and particularly Article 16 (g) of the Convention (conclusion 33 and recommendation 34).

From this recommendation the Dutch government draws the conclusion that the Commission is under the impression that the current Dutch law on surnames entails that, if the parents cannot agree on the name of their child, the father will make the ultimate decision. However, this does not accurately describe the current Dutch legislation.

The law stipulates that, in this case, a child born within marriage receives the name of the father. According to Dutch law the married parents will jointly declare – either before or on the occasion of the registration of the birth – whether their child will have the surname of the father or mother. If they choose the father's surname, this declaration is not necessary as, if the parents do not

choose a name the Registrar of births, deaths and marriages will automatically allocate the father's surname to the child's birth certificate.

In its recommendation to change the Dutch law on surnames on this point, the Commission does not give a further explanation that addresses the question of whether there is an objective and reasonable ground for the preference in Dutch law for the name of father in the event of a lack of consensus. In this context the government would like to point out that the European Court of Human Rights (ECHR) did pay express attention to this question and subsequently concluded that the legislation does not discriminate and therefore does not violate article 8 jo. 14 of the European Convention on Human Rights and fundamental Freedoms (ECHR 27 April 2000, *Bijleveld versus the Netherlands*, appl. no. 42973/98). The ECHR took into account that States that are a party to the UN Women's Convention enjoy a broad margin of appreciation with respect to this subject, which is strongly determined by national traditions. The 2002 evaluation of the law on surnames that has been in effect since 1 January 1998 shows that there is a clear preference among the Dutch population for a system of choice in which children can have the father's or the mother's surname. Furthermore, it is in the interest of the child that, if the parents cannot reach consensus about the question of what surname the child should have, a surname is not withheld. Finally, if the parents are not married the child will have the mother's surname even if the father has acknowledged the child. If the unmarried parents want the child to have the surname of the father they will jointly have to declare this when the father acknowledges the child.

In February 2008 the Minister of Justice nonetheless announced the establishment a working group which will, among others, review the law on surnames as laid down in the Dutch Civil Code and the Decree on family name changes and report on its findings before 1 January 2009. A government standpoint based on this report will follow in the spring of 2009.

Foreign Partner Foundation and family reunification policy

The Foreign Partner Foundation argues that there is *de facto* discrimination against women in the family reunification policy because they often earn less as they tend to work part-time, and are therefore less likely to be able to meet the income requirement. Studies into the question of whether this is in fact the case have been conducted a number of times in the past⁶⁰, but so far it has not been shown that this assumption is correct. This issue is currently once again being researched, this time by the WODC (*Research and Documentation Centre*). At the time this report was formulated the results of this study were not yet known. Of course these results can be communicated to the Committee in a different way, for instance during the verbal discussion of this report.

The dependant's residence permit

If a stay in the Netherlands in the context of family reunification or family formation is permitted, a so-called dependant's residence permit is granted, as the stay is permitted on the basis of the relationship between the parties involved. If the relationship in question breaks down, this may be a reason to revoke the dependant's residence permit. After three years of dependent residence an independent residence permit may be granted. If a relationship breaks up within these first three

⁶⁰ Among others by the Erasmus University.

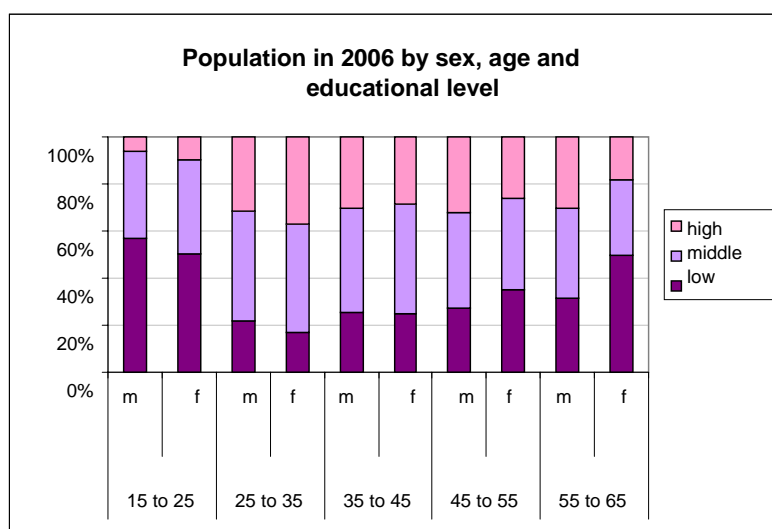
years, independent residence may be permitted under certain circumstances. This is the case, for instance, if the main person passes away. An independent residence permit may also be granted if the relationship breaks down as a result of domestic violence. If this violence is demonstrated by means of a police report or a declaration with respect to official prosecution, combined with a statement from a physician/medical counsellor, continued residence will, in principle, be permitted.

Article 10 Equal right of education

Introduction

The Netherlands has equal right to education. The educational level of Dutch residents has increased across the board, but among women this increase has happened much faster than among men. Currently more women enter university education than men. If the entire population is reviewed, men are still somewhat higher educated than women. However, if we look at the younger generation this picture is quite different.

Educational level of the population, 2006



There are however major differences between men and women with regard to study selection.

The diagram below shows the male/female distribution for each university study direction.

Key

Figure 3.10

Number of women in full and part-time university education, by study choice, 1990-2006 (in %)

onderwijs – education

gezondheidszorg en welzijn – health and wellbeing

landbouw en diergeneeskunde – agriculture and veterinary science

taalwetenschap, geschiedenis, kunst – languages, history, art

sociale wetenschappen, bedrijfskunde, rechten – social sciences, business studies, law

persoonlijke dienstverlening, vervoer, veiligheid – personal service provision, transport, safety

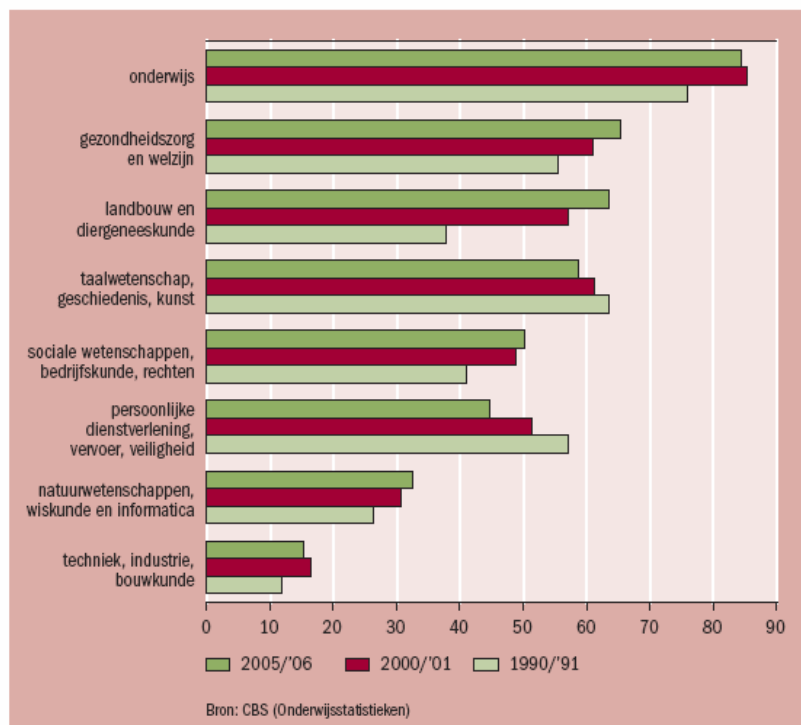
natuurwetenschappen, wiskunde en informatica – science, maths and IT

techniek, industrie, bouwkunde – technology, industry, architecture

Source: Statistics Netherlands (education statistics)

Figuur 3.10

Aandeel vrouwen in het vol- en deeltijds wetenschappelijk onderwijs, naar studierichting, 1990-2006 (in procenten)



At HBO (*professional education*) level the study selection is even more gender-bound. As a result 80% of employees in the healthcare sector and 80% of employees in primary education are women.

Sardes report

The Sardes agency has published a national in-depth report in the context of the UN Women's Convention. Earlier national reports were published in 1997 and 2000. The 3rd national report is themed 'Unseen differentiation in education'.

The report shows that girls do well in primary and secondary education and, on a number of points, now do better than boys. This means that quantitative arrears have now been fully caught up except by girls from ethnic minorities. From a qualitative point of view, girls choose differently than boys; girls are less likely than boys to choose technical studies, boys are unlikely to choose care and/or education. Girls select study subjects/subject combinations that mean that in future they are likely to earn less than boys.⁶¹

Career and professional orientation

- In secondary education measures are being used to support and improve career and professional orientation. The objective is to improve attention in schools for support with career choices and to improve knowledge about the employment market, as well as stimulating awareness of gender-stereotypical choices of students and the influence

⁶¹ The letter from the Minister of Education, Culture and Science to the House of Representatives regarding the Sardes report and the proposed activities (March 2008) is enclosed as appendix 10.

teachers/educational personnel have on these choices (recommendation from the Sardes report, see Article 10).

- During the Participation Summit, agreements were made with social partners about career orientation, coaching of students and support in their study selection, also in the context of combating early school leaving. Attention will also be given to gender-specific career choices;
- A practical example is the mbo (*Intermediate Vocational Education*) course in beauty care/hairdressing, which is selected by proportionately (too) many girls, which means that later they will have a poor position in the employment market. In these cases career orientation and support is used to encourage the participant to change her study direction.

Subject combinations in HAVO (*Senior general secondary education*) and VWO (*Pre-University Education*) adjusted

Effective from 1 August 2007 the subject combinations in HAVO (*Senior general secondary education*) and VWO (*Pre-University Education*) (second phase) have been adjusted. The system of four subject combinations, with two science subject combinations (science & technology and science & health), has been maintained. The objective of the adjustment of the subject combinations in the second phase is to ensure, among others, that there is a second science subject combination (science & health) that appeals to more students and therefore also to more girls. This science subject combination provides options for progression to a broad spectrum of science courses. Effective from 1 August 2007 attempts have been made to further encourage the selection of the science direction by incorporating a (limited) selection option in the subject combinations. The initial data has now shown that the intended effect is in fact occurring: more

girls are choosing a science subject combination, which provides them with greater options with respect to their subsequent education.

Science and technology

In order to increase participation in the science and technology direction in education and in the employment market, the Platform for Science and Technology has conducted the following activities:

- the programme entitled ‘Broadening of Technology in Primary Education’ (VTB) encourages schools in primary education to give science and technology a structural place in their curriculum for students in group 1 through to group 8. The programme contributes to the objective of having more children choose science and technology. As a result of the Lisbon objectives, girls are an important target group for the VTB programme. The Ministry of Education, Culture and Science has asked the VTB programme to pay extra attention to gender, emancipation and stereotypical role patterns among teachers and students during the technology lessons. VTB is including these aspects in the knowledge meetings and the information it provides to the VTB schools;
- mapping out the number of participating schools and institutes (apart from primary education) that have the ambition of getting more girls into science and technology courses.⁶² In secondary and higher education, target agreements are made with participating institutes. For this purpose the Platform for Science and Technology has asked the National Centre of Expertise on girls/women and science/technology (VHTO) to develop these targets;

⁶² In conjunction with the VHTO centre of expertise.

- schools, companies and institutes are encouraged to make science and technology education more attractive and to improve careers in science and technology with the aid of role models and by linking education to the daily living environment of young people;
- the Platform for Science and Technology orders audits to be conducted in all the associated organisations (approximately 2600 schools and several hundred companies) in which the gender issue is a theme. This way, the participating organisation is made aware of the issues, is shown its own performance in this area and receives input with respect to improvements;
- Supplementary to the audits the management boards of schools are offered support and specific expertise in the formulation of the gender-specific action plan based around science and technology;

Further activities by the Platform for Science and Technology, often in conjunction with centres of expertise, such as the National Centre of Expertise on girls/women and science/technology (VHTO):

- in primary education, Economic Structure Enhancing Fund (FES) resources are used to provide additional training in the area of science and technology for 5000 teachers and 5000 trainee teachers;
- a master class is organised for organisations that support primary schools, aimed at improving the attitude of girls in respect of science and technology;

-
- in conjunction with Technika 10 NL⁶³ and with the support of the Platform, members of the business world who are associated with Jet-Net organise a ‘girls day’⁶⁴ once a year, with 10 to 15-year-olds as the target group;
 - during subject combination selection moments in secondary education, sessions with female role models are organised for girls;
 - annual large meetings and bi-annual master classes are organised, aimed at lecturers and management;
 - a number of schools in secondary education are setting up special pilots for girls, among other subjects around single-sex teaching. In addition, many schools use the contribution they receive from the Platform to develop science projects that are particularly attractive to girls (for instance biomedical and CSI-type projects). The subject of Research and Design is a focal point in all technical colleges.
 - in higher education, academies and universities create cutting-edge courses that correspond with the interests and perceptions of girls and women, for instance Technology, Design & Society and Human Technology;
 - the mentoring programme in higher education (Science 1on1), whereby college students are coupled with students in secondary education, focuses on students with misgivings with a subject combination in Physics and Health. The vast majority of these are girls. The

⁶³ Technika 10 Nederland is an expert in children and technology and focuses specifically on girls. Technika 10 organises technology and ICT lessons in community centres and schools throughout the Netherlands. During the Technika 10 lessons, children of primary school age and in lower secondary education are introduced to technology and ICT in a playful and light-hearted manner.

⁶⁴ In the context of Girls day, hundreds of girls visit technical employees in, among others, hospitals, theatres, IT companies, research centres, printing companies, factories and broadcasting companies on and around the fourth Thursday in April. During Girls Day companies and organisations throughout the Netherlands open their doors to girls to introduce them to technology, ICT and the daily professional practice at an early age.

mentors, who also tend to be women, not only serve as a supporter and source of reference, but also as a role model;

- science teacher training courses. Gender is currently not a subject in HBO teacher training, although teachers play an important role in their students' choice of a profession/subject combination. In addition, many teachers have insufficient knowledge of the science field and the science study directions in HBO (*professional education*) education, certainly if they started their teacher training after the havo (*senior general secondary education*). A plan is being worked out together with the HBO training consults of the teacher training colleges to put the above issues on the agenda in the teacher training;
- the senior general secondary education (havo)/ professional education (HBO) connection. An action plan is currently being formulated to improve the connection between havo and hbo. Specific attention for the connection of havo-girls and the science/technology hbo forms part of this plan. Agreements have been made to further define a plan for this purpose together with the VHTO;
- once a year IBM and Shell organise special science & technology camps for girls;
- an agenda plan for upper secondary vocational education and the employment market is being defined in conjunction with the VHTO, in which female role models are likely to play a major role.

It is still too early to present any of the results of the above measures, but in the schools that participate in the programme for secondary education a 24.8% increase in the numbers of girls who choose Science subject combinations at havo level can be observed in 2007 compared to 2003. For the Physics/Technology subject combination this growth is as high as 64.9 percent.

In vwo (pre-university education) schools we see a similar picture: in 2007 11.3 percent more girls chose a Science subject combination than in 2003. This development can be contributed almost completely to the increasing choice of girls for the Physics/Technology subject combination, which is showing a growth of 69.2 percent.

The influx figures of higher education show us that in university education, 41.9% more girls chose a science/technology direction in 2006 than in 2000. On the level of professional education in 2006 we see a decrease of 13.3% compared to 2000.

The Glass Wall

The Ministry of Education, Culture and Science is a partner in the EQUAL-project 'The Glass Wall'. This project (funded by the ESF Fund) has the objective of developing instruments to promote the choice of girls/women for non-traditional education/professions at different times in their education/professional career. More about this under Article 3.

Early school-leaving

The Ministry of Education, Culture and Science focuses on preventing students in the age category up to 23 from dropping out of school. The effects of the generic measures within the policy of early school-leaving have an effect on specific groups. Research has been conducted into the typologies of early school leavers, which has made information available about specific groups of people who dropout.

As a possible more in-depth subject, the establishment of an ambassador function/girls' network is being considered to evaluate which problems (ethnic-minority) girls who have dropped out of school encounter in their study career and to what extent they can be supported.

An example of a project that is being started in this context is 'With conviction to your own future!' Together with the Eindhoven Regional Education Centre (ROC Eindhoven), the Queste Agency is organising a range of empowerment options aimed at ethnic-minority girls in mbo (*intermediate vocational education*). The empowerment program is intended for different study directions and different study years. The objective is to further work on absenteeism, dropping out of school and the individual strength of ethnic-minority girls.

Lifelong learning

The policy for lifelong learning is aimed at stimulating employed people and people looking for work to continue to develop. It helps women who are outside the employment market or who have a poor position in the employment market to participate more fully. Women outside the employment market are not specifically approached to just (re)train. The employment market/participation policy is aimed at encouraging them to go back to work, education can play a role in this.⁶⁵

⁶⁵ Both the CWI and municipalities have a task in stimulating the participation of women. In both, among other things via the 'Learning and Working' project, contacts take place about the possibilities of giving training a more prominent place in their approach. Currently there are processes being realised in a number of regions that are aimed specifically at women of non-Dutch heritage.

EVC (Recognition of (previously) Acquired Competencies) is an instrument that not only maps out competencies learned in a formal learning or work environment, but also competencies learned in volunteer work and the domestic situation. Consequently it is an instrument that provides excellent support for women upon returning to work and in their professional career.

Via a monitor it is assessed to what extent women are reached by these projects (in the context of the temporary Learning and Working incentive scheme). The results of the first monitoring round show changing contributions per region and per sector. The participation of women in dual processes and EVC processes does not lag behind that of men. In some regions this approach reveals hidden talents in women. The projects will continue until the end of 2008.

The realisation of regional and sectoral collaboration projects is being stimulated in the context of the 'Learning and Working' project, with the objective of realising over 20,000 extra dual processes and EVC processes.

Article 12: Right to healthcare and special measures during pregnancy

Introduction

The Netherlands is developing a health policy in the context of access to healthcare but does not have a gender-specific health policy. This is why the Netherlands cannot respond to the Committee's conclusion 35 and recommendation 36 with respect to supplying data and information, broken down by ethnic background, about the consequences of the legislation and the policy in the social sector for disabled and older women, including with respect to their health and other benefits.

Sexual and reproductive rights

The CEDAW Committee regrets that the cost of contraceptives is not covered by health insurance (conclusion 31 and recommendation 32). The effects of the fact that the cost of contraceptives is not covered by health insurance for women over 21 must be monitored. The next report must also contain information about the consequences of the above for the sexual reproductive rights and the health of women.

Within the (new) monitor on sexual health it is documented that the use of contraceptives is measured every two years. On the basis of this measurement it can be reviewed whether the measure has influenced the use of the pill. Every year the number of teenage mothers and pregnancy terminations among women is also measured. This data also indicates the situation regarding the use of the pill. So far there are no indications of negative effects. Effective from 1 January 2008 the limitation that currently applies for contraceptives covered by health insurance

have been abolished. This limitation means that these medications only come under the areas to be insured pursuant to the Health Insurance Act if the insured is under the age of 21. With the abolishment of this age limit, the pill is now back in the basic package for every woman.

Women have to be able to make their own choices when it comes to sexuality and reproduction. The Netherlands has good access to reproductive healthcare. The prevention of pregnancy is possible through good access to contraceptives.

The promotion of health

The promotion of health in the area of sexuality is aimed at the entire population and at young people in particular. This is the responsibility of municipalities. The prevention programmes are realised by the Regional Health Services (GGDs). They encourage schools to use specific lesson packages. The GGDs in turn are supported by different NGOs involved in the field of sexual health. These NGOs are subsidised by the Ministry of Health, Welfare and Sport.

Collectively provided sexual education consists of a broad information package. It not only contains (technical) information transfer, but especially also methods aimed at addressing social interaction and norms and value with respect to sexuality. This has the objective of preventing problems (at a later age): sexually transmitted diseases (STDs), unwanted pregnancies and sexual violence.

Between 2007 and 2011 the Ministry of Health, Welfare and Sport will be making extra investments in the promotion of health in the area of sexuality, with the programme 'sexual

health of young people' (€m). There is specific attention for high-risk groups, such as people with a low level of education and young people from ethnic minorities.

Individually targeted prevention and assistance

In addition to collective prevention, more individually targeted prevention and assistance is important. In recent years, new policy in this area has been developed. This has resulted in a new system for primary assistance in the area of sexuality being started up in 2008 (€3.5m). Young people (up to the age of 25) have free access to low-threshold facilities for information and advice in the area of sexuality. This relates to surgeries provided by the Mental Health Service (GGD) for questions and problems in the area of sexuality. The surgeries are organised by the GGD. For this purpose the Netherlands has been divided into eight regions, whereby one coordinating GGD is responsible for the surgeries in each region. The physical location of the surgeries may be at the GGD, but also at primary care centres for sexuality or in Regional Education Centres (ROCs). (GGDs can therefore also outsource the implementation to someone else). Questions relating to contraceptives also have a place here. The new system is an addition to the regular care provided by GPs and medical specialists.

Teenage pregnancies and pregnancy terminations

Since 2001 the number of teenage births in the Netherlands has been declining. In 2005, 2795 babies were born to mothers under the age of 20. The number of teenage mothers and pregnancy terminations is relatively highest among non-Western ethnic minorities. The total number of pregnancy terminations has been reasonably stable in recent years. The number of pregnancy terminations among young girls is declining.

A lot of attention is given to the prevention of unwanted pregnancies in sexual education in schools and youth work. This has also renewed the focus on support for teenage mothers, see also under Article 5.

New policy aimed at voluntary action and informal care

On 9 October 2007 the Ministry of Health, Welfare and Sport policy memorandum on informal care and volunteer work for 2008 – 2011, entitled ‘For each other’, was published. The long-term approach will partly focus on reinforcing the local infrastructure. With the aid of this support at local level, both municipalities and volunteer centres can properly realise the improvement of the position of female volunteers and informal care providers, and stimulate men to voluntary action and informal care. Movisie, the knowledge centre for social efforts, will assist volunteer centres and municipalities in this objective.

Until 31 December 2008 the Ministry of Health, Welfare and Sport will be funding the ‘Lightening the informal care load’ project of Movisie. In this project volunteers are equipped for the support of informal care providers and their clients. The support provided by volunteers frees up the informal care provider, which makes it easier for female informal care providers to combine work and care.

In addition, the informal care provider appreciation arrangement will be realised at the start of 2007. Informal care providers who provide unpaid care to care seekers with an Exceptional Medical Expenses Act referral for extra-mural care for a minimum of six months will be eligible for benefits of 250 Euro maximum. Because the greater part of informal care providers are women, this will especially benefit women.

Specific groups

Older lesbian women

Last year the General Dutch Association for the Elderly (ANBO) for the over-50s, COC Netherlands, Schorer and the former Knowledge Centre on Lesbian and Gay Emancipation Policy (now Movisie) developed the project plan 'Pink Senior Citizens in the Netherlands'. This plan is jointly funded by the Ministry of Housing, Spatial Planning and the Environment and the Ministry of Health, Welfare and Sport (from 1 October 2006-2008). The first activity consisted of a week-long telephone survey among gay senior citizens to find out about their needs and preferences in the area of housing, welfare and healthcare. The results of this telephone survey were documented in the Green sheet 'Telephone Survey of Pink Senior Citizens' (December 2006). Around 250 LGBT senior citizens responded to this survey. Important conclusions are, among others, that the living and working environment in elderly care must be more LGBT-friendly and that the training for nurses and auxiliaries must include information about LGBTs. The results of this green sheet will be further implemented in the project, in a number of concrete activities in the area of housing, training and care. ActiZ and Aedes will also be involved in this process. After completion of the project the effects will be evaluated.

In addition, it is the starting point of the Ministry of Health, Welfare and Sport that specific target group policy must remain restricted as much as possible. The treatment by care providers or fellow clients/patients in the healthcare sector must be correct, irrespective of origin or philosophy. This means that discourteous behaviour must not be tolerated in any way; specific policy aimed at treatment per target group is not stimulated further for this reason. At present

there is a lot of focus on treatment and participation in the quality programme 'Care for the Better'. In this programme the focus is also on the correct treatment of everyone.

Women from ethnic-minority groups and healthcare

The SCP report 'Social Atlas of women from ethnic minorities' which was published in March 2006 also looks at the subject of health. The conclusions in this report provide a detailed picture of the (perceived) health of ethnic-minority women (Turkish, Moroccan, Antillean and Surinamese women). There are not only differences between women from ethnic minorities and women from the native-Dutch heritage population, but also between different groups of women from ethnic minorities *and* between (ethnic/ native-Dutch heritage) women and (ethnic/ native-Dutch heritage) men.

The report also concludes that ethnic-minority women make more use of nearly all medical facilities than the rest of the population. The report requests attention for social access: taking into account language, cultural and interpretation differences.

With respect to this last subject – social access – the issue is the quality of the healthcare. According to the Quality of Healthcare Institutes Act, institutes themselves are responsible for this quality (which must be effective, efficient and patient-oriented). The Healthcare Inspectorate monitors this quality.

The knowledge institutes funded by the Ministry of Health, Welfare and Sport look at ethnicity and health. At ZonMw⁶⁶, for instance, different projects (for research and implementation) focus on ethnic minorities (men and women).

Developments are also monitored with respect to ethnicity in the Public Health Future Explorations (VTV)⁶⁷ of the RIVM⁶⁸ and in the National Public Health Compass. The state of health of ethnic minorities (Turkish, Moroccans, Surinamese and Antilleans) is generally less good than that of the native-Dutch heritage population. However, the picture is diverse and there are exceptions. There is an increased risk of death for ethnic-minority babies, children and adults (but a lower mortality rate among Moroccan men). Diabetes occurs much more often among the ethnic-minority population and depression also occurs more often and is highest among older Turkish women. The mental health of Turkish and Moroccan children is not as good. Breast cancer, in contrast, occurs less frequently among ethnic minorities, as do heart and vascular diseases among some groups.

Finally, specific policy will be developed and implemented where necessary, not only by the Ministry of Health, Welfare and Support (for instance in the area of domestic violence), but also by institutes and organisations (for instance attention for diabetes among ethnic-minority women).

HIV / AIDS

⁶⁶ The Dutch organisation for health research and healthcare innovation.

⁶⁷ Care for health. The 2006 Dutch Public Health Status and Forecasts Report.

⁶⁸ The Government Institute for Public Health and the Environment.

Of the 871 people diagnosed as HIV-positive in 2006, 166 infections were diagnosed in women.

Most of these women are not of Dutch origin.

The Dutch policy distinguishes different at-risk groups for STDs and HIV (no separate HIV policy). A specific prevention policy is being developed for these groups, and they also have access to low-threshold test facilities.

The at-risk groups that are distinguished are: men who have sex with men, migrants, prostitutes, young people and drug users.

Another important aspect of the policy is that all pregnant women (on condition of opting-out) are tested for HIV in order to prevent transmission of the condition from mother to child. In the Netherlands everyone has, in principle, access to HIV treatment.

Excess weight and obesity

With respect to excess weight and obesity there are significant differences between men and women. For young people the rule applies that, as they get older and start puberty, girls get heavier. This applies both to excess weight and obesity. The difference in obesity between boys and girls is not as great as the difference in excess weight.

For adults the picture is different. Over 50% of adult men have a Body Mass Index > 25 (i.e. overweight) compared to 40% of women. The obesity figures (Body Mass Index > 30) show that women in particular have more of a problem with this than men (15% of women compared to around 10% of men!).

In the autumn of 2008 the Minister of Health, Welfare and Sport will produce a memorandum on excess weight in which the prevention and treatment of excess weight and obesity are announced.

Article 13 Driving out discrimination in economic and social life

Introduction

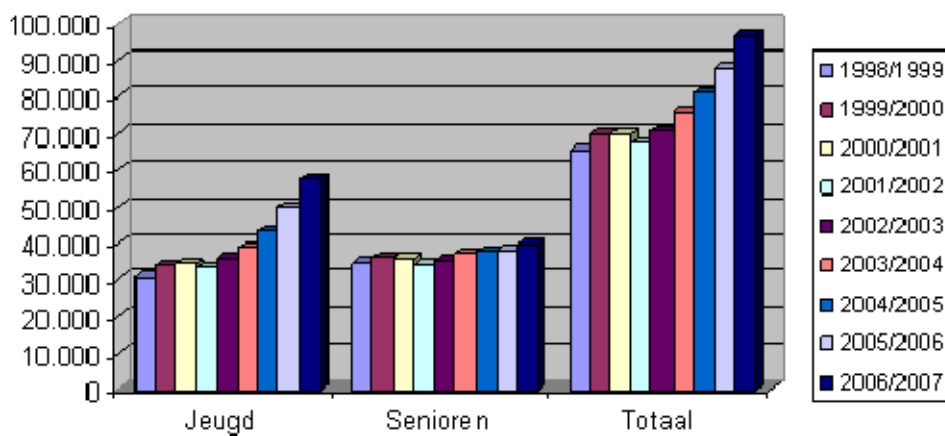
Measures to combat discrimination against women are discussed in the other chapters. In this chapter we look at the right to participate in leisure activities: sports.

Participation in sports

Participation in sports among men and women in the Netherlands is approximately the same, around 70%. Among boys and girls to the age of 18 this is as high as 80%. 'Participation in sports' means that someone exercised at least 12 times in the past year. This includes sporting in sports associations, exercising in fitness centres and 'unorganised' sport (e.g. solo running or cycling)

With respect to membership of sports associations, women are somewhat underrepresented compared to men (28% compared to 34%). For girls and boys the difference is even smaller (49% compared to 53%). We are also seeing a trend whereby traditional women's and men's sports disappear. In sports like athletics, ice skating, volleyball and hockey the number of male and female players are virtually the same. In traditional male sports, such as martial arts and soccer, there has been a big turnaround in recent years and the proportion of women is increasing considerably. In the period 2004-2007, girls' soccer increased by as much as 10% per year.

Ontwikkeling aantal vrouwelijke KNVB leden



Key:

Development of the number of female Royal Netherlands Football Association (KNVB) members

100,000

90,000

80,000

70,000

60,000

50,000

40,000

30,000

20,000

10,000

0

Young People

Adults

Total

Development of girls and women's soccer in the Netherlands (KNVB⁶⁹ annual report 2007).

Volunteer work and employment in the sports industry

If we look at the proportion of women who work in the sports industry, we see a varied picture.

In the fitness sector and in physical education women are represented equally or better, but in sports associations paid positions are only filled by women in one quarter of cases.

Generally speaking women do as much volunteer work in sports as men, even when it concerns 'technical functions' (assistant, trainer and coach). But women's representation in the management of sports associations lags behind (25%); one-third of sports associations do not even have a single woman in their management. At a regional and national level women are even less represented in sports management. In the sports associations in the Olympic sports, 10% of managers are women. This percentage has been consistently low and unchanged for around 10 years.

Policy with a view to the future

Although the participation in sports by women and girls is good, attention is needed for the participation of ethnic-minority (particularly Islamic and Hindu) women and girls. With the programme '*Participation of ethnic youths through sport*' (2006-2010) the Dutch government is making considerable investments in stimulating the sports participation of this group.

⁶⁹ Royal Dutch Football Association.

The under-representation of women in sports management remains a point for attention, but the responsibility for changing this situation primarily lies with the sports sector. In conjunction with the business world, the sports sector is taking the initiative to approach the filling of administrative functions in a professional manner, initially for the national sports associations. A favourable side effect will be that the 'old boys network' will not be utilised as frequently. The introduction of good governance guidelines in sports associations and sports clubs will have a positive effect on the diversity of sports management boards. Meanwhile, various instruments have become available – leaflets, training, scanning tools – for supporting organisations that want to achieve more diversity. The government will also bring these tools to the attention of sports organisations on a regular basis.

The Dutch government will further support the sport sector in order to achieve a tolerant and (socially) safe sporting environment in which 'sportsmanship' and 'respect' are key concepts – a necessary pre-condition for the participation of disadvantaged groups in general and (ethnic-minority) women in particular.

Finally, it is worth noting that sport is increasingly used as an instrument to increase the resistance and self-confidence of women, for instance in youth care. This is done through the aforementioned programme 'Participation of ethnic-minority youths through sport' but is also a theme in the 2008-2011 'Sport and Development cooperation' programme.

Article 14 Women in rural areas

Introduction

During the defence of the previous report, questions were asked about the efforts of the Netherlands with respect to the development of women in rural areas. This chapter responds to these questions.

The Netherlands does not have any true rural areas; rather, we have areas that are more urbanised or less urbanised. For the purpose of research and policy, Statistics Netherlands has developed a so-called measure: 'the urbanisation measure'. There are five urbanisation classes and the lowest two, 'not very urban' and 'not urban', make up our rural areas. By this method rural areas are geographical units with fewer than 1000 addresses per square kilometre. Based on this classification, rural areas are 63% of the Dutch surface area.

Approximately one million women live in these areas. Ninety-seven thousand women work in agriculture (= 35% of the total) and there are approximately 53,000 farmer's wives (in other words, women who are married to or live with a farmer and who work in an agricultural business). Of these 53,000 farmers' wives, 53% have the status of 'head of the business' and 47% have the status of 'co-working spouse'.

Studies about rural areas indicate that the living situation of women in the little-urbanised areas has improved compared to women in the non-urbanised areas.⁷⁰ The strongly increased labour participation and the associated increased automobility in particular have contributed to this

⁷⁰ See, among others: Steenbekkers et al. 2006: 372, 382.

situation. Compared to the urban area, the participation of women in paid employment is marginally lower, but in rural areas their unemployment is also lower.

Compared to men, women in rural areas have a lower professional level, fewer permanent appointments, less opportunity for independent entrepreneurship, a bigger chance of working part-time and more frequent participation in non-qualifying education.⁷¹

Job prospects for all women are strongly influenced by their domestic situation, educational level, work experience⁷² and whether they live in a very remote area with relatively few suitable jobs.

However, the conclusions of the studies that have been conducted showed that the differences between rural and urban areas are becoming increasingly smaller.

Incentive measures

Within the theme of the green economy, entrepreneurship of women is the focal point. In the period 2006-2009 the Ministry of Agriculture, Nature and Food Quality (LNV) is supporting a long-term practical project of the Business Women Federation (Federatie Zakenvrouwen) and the Dutch Confederation of Agriculture and Horticulture 'Woman and Company' Commission: 'Entrepreneurial networks and essential female entrepreneurship, city and country'. Within the Multi-functional Agriculture Taskforce, the Ministry of Agriculture, Nature and Food Quality is focussing on the upscaling of broadened agriculture and the position of women therein, and the efforts, development and remuneration of (previously and elsewhere accumulated) competencies.

⁷¹ See also: Gesthuizen, 2006.

⁷² Bock, 2004.

The Case Adoption, Innovative Opportunities for Female Entrepreneurs project focuses on handling applications and evaluating subsidy applications of female entrepreneurs.

In addition a financial contribution is made to the ESF-EQUAL project 'Just Rewards' of the Dutch Confederation of Agriculture and Horticulture 'Woman and Company' Commission in conjunction with the Dutch Agricultural Young People Contact (Nederlands Agrarisch Jongeren Kontakt) and the Dutch Trade Union Federation for Self-employed persons. The project was aimed at improving the position of the co-working partner in the company.

In the context of the European Rural Development Programme (POP), the Ministry of Agriculture, Nature and Food Quality funds the Agricultural Network⁷³. The activities of this network focus, among other things, on the target groups 'women' and 'young people'.

Finally, the Ministry of Agriculture, Nature and Food Quality is focussing on increasing the gender and diversity-sensitivity among policy employees, external consultants and intermediaries, by providing workshops and training.

Study

The 2006 Emancipation Monitor looked at emancipation in rural areas.

The Social and Cultural Planning Office, by order of the Ministry of Agriculture, Nature and Food Quality, is also conducting the study programme 'Social State of the Countryside'. The

⁷³ This is a national network of and for people and organisations that work for a strong and attractive countryside. Aimed at learning from each other, highlighting new and opportunity-rich initiatives for agriculture and village development, for nature and social cohesion, for quality of life and participation.

objective of the programme is to arrive at a monitor of the social developments in rural areas, so that it can be recognised at an early stage if and to what extent the living situation of residents is coming under pressure. Attention is given to gender issues.⁷⁴

For the purpose of the implementation of the Convention on Biological Diversity and the Sustainable Learning programme, the Ministry of Agriculture, Nature and Food Quality is exploring the relationship between gender, (agricultural) biodiversity and ethnicity.

Research will also be conducted into active residents' participation in planning and management. By having participation about structuring of the green areas take place via para-professional functions (ethnic-minority women who can fulfil a bridging function between municipal services, housing associations and their own group), participation, integration and direct involvement in the (formation of) one's own environment can quickly lead to synergy. Coordination is sought with Empowered neighbourhoods⁷⁵.

The Ministry of Agriculture, Nature and Food Quality has a so-called preferred supplier relationship with the Agricultural Research Services Foundation, with which research institutes like the Wageningen University and Research Centre, the Agricultural Economic Institute and Alterra are associated. By order of the Ministry, policy-supporting research is being conducted in, among others, the areas of female entrepreneurship, employment and the position of women within (multifunctional) agriculture. One point for attention is a certain level of gender blindness

⁷⁴ Two reports have now been published: *At home in the countryside. A comparison of rural and urban life* (SCP, 2006); *The best of both worlds* (SCP, 2007).

⁷⁵ See Article 3.

among researchers. The possibilities of focusing on gender and diversity aspects in research guidance and programming of social-scientific research are being investigated.

With respect to the theme of food, the Ministry of Agriculture, Nature and Food Quality is investigating how citizens' initiatives in the area of food can be supported and facilitated. One example is regional collaboration with the Municipality of Amsterdam within the Experimental Garden Action Programme 'Healthy and sustainable food in the city and region'. In this context, women take initiatives to have children in primary schools eat healthy and tasty food in a social setting.

Education

In the area of education there are projects on 'Promoting diversity in green education', social work placement positions and an influx of ethnic-minority girls.

In conjunction with the Ministry of Education, Culture and Science, the influx of female teachers and managers in green education is being monitored.

Article 15 Equality before the law and freedom of domicile

This Article deals with the legal equality between men and women. Equality legislation is discussed in previous chapters, including under Article 1 and 2.
