



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

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## Committee on the Elimination of Discrimination against Women

Pre-session working group

Thirty-seventh session

15 January-2 February 2007

### List of issues and questions with regard to the consideration of the fourth periodic report

#### The Netherlands

The pre-session working group examined the fourth periodic report of the Netherlands (CEDAW/C/NLD/4 and CEDAW/C/NLD/4/Add.1).

#### Constitution, laws/policies and national machinery for the advancement of women

1. Please outline the concrete goals of the multi-year emancipation policy plan (2000), including whether those goals were set within the framework of the previous three-level approach of the Netherlands in implementing the Convention (reform of law, improvement of actual position of women, elimination of cultural stereotypes), whether the goals have been disaggregated by ethnicity and race and what specific measures targeted for each ethnic and racial group were identified to be applied. Please indicate the results of the evaluation of this plan, which should have taken place in 2005.

2. Gender mainstreaming is being pursued as indicated in the Government position paper for the period 2001-2006, "Gender mainstreaming: a strategy for quality improvement". Please indicate what concrete goals were set in each organization and for each policy after 2002 and describe progress up to 2005 on the ultimate goal of achieving equality through gender mainstreaming within the ministries and the inter-ministerial organization. Please also indicate the authorities responsible and how accomplishment was monitored, the percentage of new laws, policies and programmes that were subjected to a gender impact assessment in that period and the number of laws, policies and programmes for which the results of those assessments were taken into account.

3. The report indicates a number of existing and new laws that ban discrimination against women and discrimination on other grounds. Please describe the number of court cases as well as decisions and compliance with those decisions under the various actions brought by women, in particular by women who may be suffering from multiple discrimination.

4. The report states that there is little transparency for third parties of the complex system of equal treatment legislation and that, consequently, public awareness of equal treatment standards is low. Please provide information on the steps taken to increase legal awareness in general and among women in particular, including among women of ethnic and racial minorities, as well as information on the results of the "Article 13 project" (2002-2004) on equality in the workplace, and indicate the reasons for the abandonment of the plan to establish an information centre on women's rights.

5. The report indicates that the Equal Treatment Commission, on the basis of the evaluation of the Equal Treatment Act submitted to Parliament in November 2003, will receive a less restrictive mandate. Please indicate whether that new mandate has entered into force, how many applications submitted to the Commission and decisions rendered by it in the period between 1999 and the first half of 2006 concerned women in general, and women from ethnic and racial minorities in particular. How many decisions by the Commission were supplemented with specific recommendations and submitted to the courts for a binding decision and what were the results of those actions?

6. The report does not contain any information under article 4, paragraph 1 (temporary special measures), of the Convention on the Elimination of All Forms of Discrimination against Women, though it describes, under article 7 of the Convention, individual approaches of Government ministries to increase the number of their female employees in management and decision-making positions. Please indicate the Government's position on General Recommendation 25, on article 4, paragraph 1, and whether, in the light of that General Recommendation, the Government considers it necessary to institute an overall consistent plan for its ministries, as well as for the public sector as a whole, to increase the number of women in decision-making positions. Also describe any efforts in that regard for the private employment sector.

7. Please provide information on the implementation of the various concrete goals and strategies of the plan of action on emancipation and integration with respect to women and girls of ethnic and racial minority groups in the period from 2004 to 2006, including its monitoring mechanisms, as well as an explanation of the meaning and practical impact of "certain requirements" attached to it. Please indicate whether those requirements have constituted obstacles to the desired self-initiated efforts towards emancipation and integration by women and girls of ethnic and racial minority groups. Also provide the percentage of women of the so-called established immigrant group attending the nationwide language and integration programmes in 2003.

**Violence against women**

8. Has the Parliament approved the 2002 policy document entitled *Privé Geweld — Publieke Zaak* (Private Violence — a Public Matter), which contains 50 specific legal and other measures for improving the approach in dealing with domestic violence? If yes, please provide information on the extent and results of its implementation, including on whether the document recognizes the specific nature of violence against women and its structural causes, whether the document is of a binding or a voluntary nature, whether it has met any obstacles and whether free legal aid is being provided to the victims of domestic violence; also indicate any other measures taken to address domestic violence, including the results, disaggregated by sex, ethnicity and race, of the programme for systematic registration of incidences of violence against women since January 2004.

9. Regarding sexual harassment, the report states that the Government recognizes that women working in small and medium-sized enterprises as independent care workers and in the police are not sufficiently protected with respect to this form of discrimination. Please provide information on Government initiatives to protect such female workers.

10. In its 2001 concluding comments, the Committee urged the Government to take effective measures to eliminate discrimination against immigrant, refugee and minority women and to take effective measures, including programmes to eliminate violence against women in immigrant and minority communities.<sup>1</sup> The report refers to a number of initiatives, including policies and plans of action in the areas of domestic violence against women from ethnic and racial minorities, genital mutilation and honour crimes, which have been taken or are being developed. Please provide detailed information on the status of those initiatives (for example, independent residence status in cases of domestic violence) and on their implementation and impact. Has the Government allocated adequate resources for awareness-raising, prevention, law enforcement, adequate support and remedies, including free legal aid, to address these forms of violence?

11. The report states that research carried out in 2002 showed that access to shelters for victims of domestic or sexual violence is problematic. What steps have been taken by the Government to address this, including the support of the sector in formulating criteria for admission and providing information? In addition, please indicate whether experience of violence in the family would qualify a migrant woman to seek an independent residence permit? What further conditions would she have to fulfil?

**Trafficking and prostitution**

12. Please provide the most recent available data on trafficking to the Netherlands in general and updated information on the number of foreign women and girls who are victims of trafficking, in particular, as well as the measures taken by the Government to assist and support these women after the ban of brothels has been removed. Also provide updated data on how many traffickers have been prosecuted since 2004.

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<sup>1</sup> *Official Records of the General Assembly, Fifty-sixth Session, Supplement No. 38 (A/56/38)*, chap. IV, para. 206.

13. How many reports have been made by victims of trafficking under the B-9 arrangement and what protection is available to these victims in general and when they decline to act as witnesses in particular? What support and protection is available for foreign women victims of trafficking who are residing illegally in the Netherlands and who decide not to report the trafficking? How many victims of trafficking and traffickers have been registered under the established registration system and how many victims have been given residence permits?

14. Please provide more information on the plan of action and its implementation results for regulating and protecting the prostitution sector, including the rights and obligations of prostitutes and operators, which, as the report indicates, is an area in which clarity is lacking. Are there any plans in the Government to allow migrant women to work legally in prostitution, and if not, what are the reasons? Also please provide information on measures taken by the Government to support prostitutes who wish to leave prostitution. Further, provide information on the monitoring and its results of the prostitution policy and the compliance with licensing regulations after the ban on brothels was removed.

### **Stereotypes and education**

15. The Committee, in its previous concluding comments, urged the Government to increase its efforts to eliminate stereotypes relating to traditional areas of employment and education for women.<sup>2</sup> The report refers to a number of projects and initiatives to combat stereotypical roles of men and women, including revision of teaching materials by a non-governmental organization and activities using the media and image-making. Please provide information on whether a comprehensive Government strategy, covering all sectors, exists to address the prevalence of stereotypes which inhibit the full and equal participation of women in Dutch society, including women of ethnic and racial minorities.

16. Please provide figures on the distribution of boys and girls in technical and non-technical disciplines at both secondary school and universities levels over the past five years, figures on the percentage of minority girls versus boys in secondary and higher education, as well as information on how the Government monitors developments in these areas.

17. The report claims that the Aspasia programme addressing the promotion of women to senior lecturer positions at the universities has been successful. Please provide figures on the percentage of women senior lecturers and professors versus men in such positions, including comparative figures on their salaries, the number of full-time and part-time appointments and the percentage of minority women in such positions.

### **Political participation and decision-making**

18. The Committee, in its previous concluding comments urged the Government of the Netherlands to make efforts to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics and in the economic sector.<sup>3</sup> While some progress has been made, women are still underrepresented in political and public life, in particular at senior levels. Please provide further

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<sup>2</sup> Ibid., para. 214.

<sup>3</sup> Ibid., para. 218.

information on what concrete measures have been taken, or are envisaged, including temporary special measures in accordance with article 4, paragraph 1, of the Convention, and the Committee's General Recommendation 25, in order to increase the number of women, including minority and rural women, in public life, in particular in high-level positions at all levels of Government, in Parliament, the judiciary and in political parties.

19. Please provide any updated information on the situation of women with respect to the Reformed Political Party, which still does not allow women free access and thus continues to violate women's rights under the Convention which entails Government obligations towards both conduct and results. Please explain whether the Government continues to subsidize this political party.

20. The report indicates a change in the grant scheme for non-governmental organizations. Please indicate whether the new grant scheme in 2004, under which institutional funding was abolished, has been evaluated as to its impact on the numbers and effectiveness of women non-governmental organizations working on the human rights issues of women.

### **Employment**

21. Under the terms of the Equal Treatment (Temporary and Permanent Contracts) Act (2002), employers may not differentiate between employees on the grounds of whether they have temporary or permanent contracts, unless there is some objective justification. Please provide information, disaggregated by age, ethnicity and race, on the percentage of women versus men with temporary contracts. How does the Government monitor the implementation of this Act by employers and what are the reasons for non-compliance by employers? Please provide information on whether women with temporary employment contracts who have been discriminated against have gone to court.

22. Please provide concrete information, with figures, on the results of the efforts to remove obstacles for women from ethnic and racial minorities as compared to men in the Dutch labour market, as indicated by the Labour Market Policy for Ethnic Minorities, Plan of Action (2002-2003), the Employment of Minorities (Promotion) Act (repealed in 2003) and of the SPAG grants (until mid-2004), and indicate whether new comprehensive national plans have been put into place for this group, with a specific emphasis on women according to article 4, paragraph 1, and General Recommendation 25.

23. The report contains information on measures to decrease the pay gap but it does not provide any figures disaggregated by sex, ethnicity, race, sectors and qualification levels. Please provide such figures for the period from 1996 up to the first half of 2006, if possible, to indicate whether progress has been achieved. In addition, please indicate whether a gender impact assessment has been carried out on changes in such laws as the Unemployment Act, Invalidity Insurance Act and the Work and Welfare Act.

24. The report indicates that women, in particular single mothers and women from ethnic and racial minorities, are more likely than men to be affected by an accumulation of poverty risks. Please indicate whether the assessments made of policies and benefits have resulted in any reforms, and if so, with what success. Also describe the financial position of elderly women, including migrant and refugee

women and women from ethnic and racial minorities. In addition, please explain the differential impact on women and men of supplementary pension schemes.

25. The report is not clear on the situation of the Invalidity Insurance (Self-employed Persons) Act (WAO), which regulated payment of benefits to self-employed women during pregnancy and maternity leave and adoption leave; on the one hand, the report states that this Act is to be repealed; on the other hand, it talks about a new WAO scheme, into which there was a large influx of women, which was obviously considered a problem in 2003. Please clarify the situation and describe what arrangements are currently in place to cover the pregnancy and maternity-related costs of self-employed women.

### **Health**

26. Are there any Government plans to increase the number of ethnic and racial minority women availing themselves of breast and cervical cancer screenings? What has been the impact of the termination of cost reimbursement for contraceptives for women over the age of 21 in 2004 and does an evaluation of this measure show a difference between ethnically Dutch women and women from ethnic and racial minorities?

27. The Committee, in its previous concluding comments requested the Government of the Netherlands to provide information on the issue of HIV/AIDS and on tobacco, alcohol and drug addiction of women.<sup>4</sup> What have been the numbers of women affected by HIV/AIDS as compared to men in the Netherlands over the past 20 years? How many women have been infected through sexual intercourse and what steps have been taken, in particular with regard to increasing awareness of the risks and effects of HIV/AIDS for women and with regard to minority and foreign women who live in the Netherlands? What actions have been taken to address the rise in percentage of women smoking and subsequently dying of lung cancer? What are the comparative figures of male and female drug addicts and what measures have been taken targeted specifically at women?

### **The Netherlands Antilles**

28. Please indicate why there is no report on the implementation of the Convention in the Netherlands Antilles.

### **Aruba**

#### **General**

29. Please indicate whether the report (CEDAW/C/NLD/4/Add.1) was adopted by the Aruban Cabinet.

#### **Gender policy**

30. Please provide information on the structure, mandate, authority, staff and financial resources of the national machinery for the advancement of women, as well as the programmes carried out by the national machinery.

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<sup>4</sup> Ibid, paras. 221 and 222.

**Ratification**

31. Please indicate the status of the process of ratification of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography, and of the United Nations Convention against Transnational Organized Crime and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime.

**Violence against women, trafficking and prostitution**

32. The report indicates that a Domestic Violence Committee, tasked with defining domestic violence and studying the nature and scale of the problem in Aruba, was established within the Aruba Police force. Please provide information on the work of the Committee and how it defines domestic violence. How many people have been prosecuted and punished for domestic violence and other forms of violence against women and what measures has the Government taken to provide relief and justice for victims of violence? Has the Government considered introducing training for law enforcement personnel, health professionals and police in handling cases of violence against women?

33. Please provide any available statistical data on trafficking in women in Aruba, information on legislation that is in place and measures taken to prosecute and punish traffickers. Please provide information on the results of the investigation by the Public Prosecutor's Office. Has the data collection and analysis system mentioned in the report been set up?

**Participation in political and public life**

34. The report indicates that there are currently two women Government ministers (from a total of nine), four women Members of Parliament (from a total of 21) and two women judges, representing 33.3 per cent. What measures, including temporary special measures, in accordance with article 4, paragraph 1, of the Convention, if any, are being contemplated in Aruba to increase the number of women in political and public life?

**Education**

35. The report states that at all levels of education, the curriculum still promotes a very traditional, submissive and dependent role for women and girls in all spheres of life and that it is crucial that more specific attention be given to emancipatory education for girls in Aruba. Please provide information on the measures that have been taken, or are envisaged, to address this, including measures to combat stereotypical roles of women and men.

36. The report indicates that in preparation for the introduction of compulsory education, a Non-schoolgoing Children Steering group was established in May 2000 to determine how many children aged 4 to 18 in Aruba do not attend school and why. Please provide information on the findings of the Group in respect of girls. Has the draft Compulsory Education Ordinance been adopted?

**Employment**

37. Please describe the measures that are being taken to combat the sex-segregation of the labour market, including in respect of women migrant workers, which, inter alia, results in wage disparity between women and men. Please also describe the measures that are being taken to lower the unemployment rate of single mothers.

**Migrant women**

38. Please provide information about the situation of migrant women in Aruba, including in respect of their employment, health and education.

**Health**

39. Please provide information on the measures that are being taken to prevent teenage pregnancies, including awareness-raising activities. Indicate if school curricula include reproductive health, including an integrated holistic plan on HIV/AIDS prevention and awareness-raising. Please also provide further information on diseases that most affect women and girls.

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