



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

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

Summary record of the 513th meeting

Held at Headquarters, New York, on Friday, 6 July 2001, at 3 p.m.

Chairperson: Ms. Abaka

later: Ms. Acar (Vice-Chairperson)

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The meeting was called to order at 3.05 p.m.

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

Second and third periodic reports of the Netherlands (continued) (CEDAW/C/NET/2 and Add.1 and 2; CEDAW/C/NET/3 and Add.1 and 2; CEDAW/PSWG/2001/II/CRP.1/Add.2 and CRP.2/Add.2)

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

2. **Ms. Verstand-Bogaert** (Netherlands) said that she could, while awaiting more complete information, provide two examples of the implementation of the recommendations of the University of Nijmegen study. Pregnancy was no longer considered an illness, and pregnant women no longer needed to wait the standard 12 months required under the law on disabilities to receive social benefits. With regard to the question on the tax system in the Netherlands, she confirmed that it was an individualized system. She also confirmed that the shortage of day-care facilities had an impact on the number of working women and the Government was working to increase the number of such facilities. With regard to the new law on names, she pointed out that the new law was an improvement on the old situation. Now, where the father acknowledged paternity, the mother could insist that the name of the child should be decided through a discussion involving both parents, although in practice the views of the father still tended to prevail. The new law also had the effect of encouraging the father to recognize and formalize his relation with the child, which was very much in keeping with the goals of the emancipation policy. With regard to the position of small non-governmental organizations (NGOs), she said that such groups benefited from governmental subsidies in three ways. A few NGOs received substantial financing from the Government for a few years. Furthermore, the Government selected three themes for promotion each year and NGOs could apply for financial assistance under one of the themes. Finally, the Government provided support for a number of small initiatives involving NGOs each year.

3. **Mr. Melander** asked, with regard to complaints submitted to the Equal Treatment Commission, whether individuals could bring their case before a

court in order to obtain a binding decision, if they were dissatisfied with the non-binding decision of the Commission. He also asked whether women victims of trafficking, who were often of Eastern European origin, could petition for asylum in the Netherlands invoking fear of gender-based persecution in their home country. Could NGOs get involved in decisions on expulsion in order to ensure that such women, if expelled, didn't fall back into the hands of traffickers?

4. **Ms. Gabr** expressed the hope that the Netherlands, as the metropolitan country, would play an active role in strengthening the rights of women in the two overseas territories. She asked what the Government was doing about the political party in the Netherlands that had denied membership to women. She expressed concern at the low percentage of women in senior diplomatic posts and in the judiciary. She trusted that the Government would strengthen its efforts to combat xenophobic attitudes in the country, which affected immigrant women and female asylum-seekers in particular, and that it would fully implement the relevant human rights instruments, especially the International Convention on the Protection of All Migrant Workers and Members of Their Families.

5. **Ms. Hazelle**, noting the absence in the Netherlands delegation of any members from the overseas territories, expressed the hope that the metropolitan Government would, as part of its responsibilities for foreign affairs in those territories, strengthen its role in ensuring full implementation of all human rights there. It was worrisome that the staff in the national machinery devoted to protecting the status of women in the territories had been severely cut back.

6. She also warned that strengthening women's employment would not automatically lead to economic and political independence. Wage gaps persisted, and saying that they were due to lower education levels and lower less work experience only proved that the playing field was not level. Furthermore, greater earning power did not necessarily lead to greater spending power: traditional cultural practices, emotional dependence, low self-esteem, religious beliefs and practices, and family pressures, including fear for the fate of children, all inhibited women from exercising their freedom to spend their earnings. Women could be abused even if they worked, even if they were educated and even if they were in the middle and upper classes. If one sex persisted in feeling

superior it would continue to resort to violence to assert that feeling. More education and training were needed to ensure full respect for the law, to change socialization patterns, to counsel victims and to rehabilitate perpetrators of violence.

7. **Ms. Ferrer Gomez** also noted the absence of members from the overseas territories in the Netherlands delegation. She expressed concern at signs of discrimination in the labour market and elsewhere against persons belonging to national minorities, especially immigrant women. She asked what measures were being taken to combat the worrisome trend towards increased racism and xenophobia in the Netherlands. How was the Government working to combat organizations that promoted and incited to racism and xenophobia? As a result of policies of structural adjustment, poorer women, particularly in the autonomous territories, had seen their opportunities diminish with the shrinking social welfare budgets. To what extent did those vulnerable groups benefit from social assistance, especially in relation to health and education? And how had the Government responded to the economic crisis that was threatening the position of women in the Netherlands Antilles?

8. She was alarmed at the position taken by the Government and people of the Netherlands, in tolerating the free operation of houses of prostitution. Women in prostitution, who were often immigrants, faced a dramatic life situation and needed assistance. Indifference to prostitution was another sign of discrimination and violence against women. She was also concerned at the reduction in the number of staff whose official duty was to protect women in the overseas territories, thereby making it even harder for them to carry out their tasks. Many domestic workers in the overseas territories, often foreigners, had no protection of their rights; they were usually forced to work for five years before being allowed to change jobs. Noting that the report referred to a committee that was advising the Government on demographic policies and gender issues, she asked what the relation was between that committee and the national gender-oriented machinery.

9. **Ms. Verstand-Bogaert** (Netherlands), replying to the question about bringing equal treatment cases to a court in order to obtain a binding decision, said that individuals had the right to do so.

10. **Ms. Karreman** (Netherlands) said that the Netherlands had procedures for granting asylum on grounds of gender-based persecution and for granting asylum to victims of trafficking. Victims of trafficking could obtain a temporary residence permit while their complaint was being investigated, during which time they could benefit from counselling and medical and legal services. As far as female asylum-seekers were concerned, gender-inclusive procedural instructions had been issued requiring those taking decisions on asylum to form an assessment based on the social context of the country of origin. Countries differed in what they considered to be the public and private domains, what constituted political activity, the extent to which the local authorities resorted to violence in the exercise of their duties, the extent to which women were confined to certain, usually subordinate, roles and the extent to which local authorities encouraged or maintained those roles and failed to intervene to protect the rights of women. Taking all such considerations into account, the Netherlands authorities determined whether a female applicant had sound reasons to fear persecution on the grounds specified in the Convention relating to the Status of Refugees. The problem was being further studied by a research group, whose report was due in November.

11. **Ms. Verstand-Bogaert** (Netherlands) said, with regard to the question about the political party that excluded women, that the Equal Treatment Commission was examining a complaint submitted by a woman who had been denied membership, and that the Government expected that the case would ultimately be brought to court for a binding decision. As to the numbers of women in the judiciary and in senior diplomatic posts, the figures were low, especially in the latter case, and both sectors had been included in the targets set by the latest emancipation policy. With regard to the question raised about employment and domestic violence, she said that, while employment and economic independence were not guarantees that domestic violence would be totally eliminated, they were seen as the spearheads of the effort to achieve that goal. All concerned NGOs had also been involved in the effort to eliminate sexual and domestic violence.

12. **Mr. van den Berg** (Netherlands) pointed out that under the existing treaty arrangements the Netherlands, the Netherlands Antilles and Aruba shared a Head of State and common defence and foreign policies, but

each was fully autonomous in its domestic affairs. On the subject of assistance from the Netherlands to the autonomous overseas territories, the situations differed. The Netherlands provided the Netherlands Antilles with a certain amount of assistance, which went mainly to maintain the local coast guard. Aruba was more prosperous with its active tourist traffic and received less assistance. With regard to the implementation of international human rights instruments in the autonomous territories, the metropolitan Government had no authority to impose any policy, but it was active in assisting and advising them. Other questions regarding the situation in the autonomous territories would be forwarded to the appropriate authorities in Aruba and the Netherlands Antilles for them to answer.

13. **Ms. Verstand-Bogaert** (Netherlands) said that the Netherlands Government was paying special attention to the matter of ethnic minority groups. In the interests of, inter alia, stimulating participation in the labour market, reducing violence and improving health services, it had requested a report on the situation of ethnic minorities. The report had recommended improved information and analysis of those groups, and the Government had established a commission, formed of members of minorities, employers and NGOs, to carry out that task. A Ministry for minorities and immigration policy had been formed, which cooperated with her office, and paid special attention to the situation of women. If her Ministry drew up an action plan on sexual or domestic violence, it in turn addressed the matter of ethnic minorities.

14. Although the Netherlands had no plans to accede to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, migrants in her country nevertheless enjoyed rights under the domestic law and were protected by international legislation adopted under the auspices of the European Union, the Council of Europe and the United Nations. The Netherlands had signed the Optional Protocols to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography and on the involvement of children in armed conflicts, and it intended to ratify both.

15. **Ms. Ling** (Netherlands) said that the public in the Netherlands was divided on the issue of prostitution and how the Government should deal with it. There were two divergent views: one, that prostitution was an affront to human dignity and was therefore unacceptable; two, that sex for money between

consenting adults had nothing to do with personal dignity and was a perfectly acceptable professional service. Both those views had been discussed in Parliament. The Government had enacted new legislation to prevent the exploitation of prostitutes, on the grounds that prostitution and brothels were an inescapable fact of social life, and that their criminalization was ineffective both in stopping prostitution and in tackling the crime associated with it. By allowing prostitution, the Government could make that sector medically safe, transparent, and free of crime. At the same time, it was taking a vigorous stand against such unacceptable practices as forcing people into prostitution against their will and the prostitution of minors. The objective of the new legislation was to control and regulate the prostitution sector by introducing a licensing system, to combat involuntary prostitution, to protect minors, to protect sex workers and improve conditions for them, to break the link between prostitution and crime, and to reduce the involvement of illegal aliens in prostitution. The thrust of the policy was to prevent sexual violence and abuse; its purpose was not to protect public morality.

16. *Ms. Acar, Vice-Chairperson, took the Chair.*

17. **Ms. Manalo**, remarking that European countries were countries of destination, enquired whether the Government envisaged liaising with countries of origin. The traffic in women was, after all, a transnational crime calling for a transnational response. In particular, she would like to know what measures the Netherlands was taking to ensure that women expelled to their countries of origin would not fall again into the hands of their traffickers. It would also be helpful to know whether the Netherlands was a signatory to the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime, and what measures the Government was taking to protect smuggled migrant women workers.

18. Since the Netherlands had made significantly more progress in implementing gender equality than had the Netherlands Antilles or Aruba, she would like to know whether any programmes had been initiated under which the Netherlands would provide cooperation or capacity-building to those countries with a view to implementing the Convention. With reference to article 6 and to the Committee's general recommendation No. 19, she said that the European au

pair system, originally devised as a sharing system between European countries, had evolved into a means of bringing girls from other regions into Europe by circumventing immigration laws. Au pair workers received no social security or health benefits, and there was no regulation of their work and leisure hours, interpersonal relations, or remuneration. She enquired whether the Netherlands had envisaged prohibiting unprotected domestic labour, and whether it would consider bringing that issue before the European Union.

19. **Ms. Shin**, noting that article 6 required the State party to eliminate all forms of traffic in women and exploitation of prostitution of women, enquired how the Netherlands defined the exploitation of the prostitution of women. Were there any limitations other than the prohibition on the use of force and on the participation of minors? She would also like to know what labour standards obtained, whether minimum age regulations applied, and what conditions were considered exploitative. It would also be useful to know how many brothels had been registered since the enactment of the new legislation, how many prostitutes had been employed, whether labour contracts were used, and whether brothels paid taxes. What measures were taken to ensure that brothels fulfilled appropriate working conditions and labour standards?

20. She wondered whether the Netherlands had considered the possibility that two classes of prostitution might develop in the future, licensed and unlicensed, since prostitution always involved a clandestine element. The report indicated that the implementation of the new legislation would be reviewed on a two-year basis; she would like to see the results of an evaluation conducted after only one year had elapsed.

21. **Ms. Livingstone Raday** said that she commended the Netherlands for its emancipation policy and life-cycle project, which had great potential for improving the sharing of rights and responsibilities in families. Surprisingly, that country had severe social problems and ambivalent legal and social norms. The female labour force participation figure of approximately 50 per cent, which included women who worked only 12 hours a week, was disturbingly low. She wondered whether existing norms, such as the short school day, the two-day paid paternal leave, and the tax reduction for the working partner (which acted as a disincentive to work by married women)

contributed to the low female labour force, and whether the trilateral financing of dependent care costs (such as childcare leave) discouraged employers from employing women with children and women of child-bearing age. In that regard, it would be useful to know whether dependent care costs were paid directly by the employer to the employee or were part of a broader contribution.

22. She would like more detailed information on the impact of the policy to prevent violence against women, including the number of reported cases of rape and domestic violence, the number of convictions for each of those crimes, and the level of punishment meted out for those crimes. She would like to know whether the provision of temporary residence permits to victims of reported cases of trafficking who could provide evidence was mandatory, and how many women had been given permits to remain in the country after providing such evidence. In addition, she would like to know what was the policy of the Netherlands Antilles and Aruba regarding traffic in women, whether they were countries of origin, transit or destination, and how they dealt with violence against women. The State party should also supply figures on the incidence of violence against women in the Netherlands Antilles and Aruba.

23. **Ms. Aouij** commended the Netherlands for the establishment of a national rapporteur on traffic in persons and encouraged other European countries to follow suit. She enquired whether the rapporteur had prepared a report, and to what authority such a report would be submitted. The Netherlands had introduced two important resolutions in the Third Committee of the General Assembly, one calling for the abolishment of the practice of female genital mutilation, the other denouncing "crimes of honour". She would like to know, in that regard, whether either of those practices was known to be occurring in the Netherlands. She also noted that the International Criminal Court, located in The Hague, had declared rape and sexual slavery as crimes against humanity.

24. Finally, she enquired whether the Netherlands provided international cooperation to poor countries, especially African ones, with such objectives as, inter alia, assisting women, alleviating poverty and combating AIDS.

25. **Ms. Verstand-Bogaert** (Netherlands) said that au pair and other domestic workers were well protected in

the Netherlands. Working hours, health benefits and transportation expenses were among the conditions that were regulated under government policy. Furthermore, activities to promote cultural exchange, for instance through language training, were strongly encouraged.

26. The appointment of a national rapporteur arose out of an initiative, under the Coordinating Minister for Emancipation Policy, aimed at combating the traffic in women and children. It was hoped that closer cooperation could be established through the appointment of national rapporteurs in other European Union member States, and that perhaps a European rapporteur could be appointed to serve the European Commission. The work of the national rapporteur had facilitated the establishment of smuggling and trafficking patterns which significantly improved information exchange and coordination between law enforcement bodies in Europe and in the countries from which victims originated.

27. **Mr. Peters** (Netherlands) said that the questions relating to the Netherlands Antilles and Aruba would be referred to their respective governments and written responses would be submitted to the Committee in due course. He informed the Committee that the Netherlands had signed the United Nations Convention against Transnational Organized Crime and its two protocols and intended to ratify all three instruments.

28. **Ms. Verstand-Bogaert** (Netherlands) gave detailed statistics based on reports of violent crimes committed against women in 1998 and 1999 and said that sex crimes were more prevalent than the statistics indicated.

29. **Ms. Karreman** (Netherlands), in response to a question on the protection of trafficking victims, said that residence permits were granted to such victims on humanitarian grounds. Specific statistics on the number of temporary permits issued would be provided to the Committee at a later date. In order to prevent the exploitation of workers, the authorities issued only temporary residence permits which could not be extended.

30. **Ms. González** highlighted the positive aspects of the Government's strategy for the implementation of article 12 relating to health and welfare, and asked the delegation to provide further information on the scope of application of general recommendation No. 24. In particular, it would be useful to have further details on the ethnic origin of health-care recipients.

31. The Committee had in recent years paid special attention to the impact and scope of HIV/AIDS infection, the need to protect women against discrimination and the need for States parties to consider the problem of addiction. Taking into account the unique legislative position of the Netherlands with respect to the liberalization of drugs, it would be useful to have more information on the impact of such legislative measures on drug use and addiction, especially among young women. She said the Committee would also be interested to learn whether the Government of the Netherlands could provide special assistance and guidance to the overseas territories in the fight against HIV/AIDS and addiction.

32. **Ms. Feng Cui** wanted to know what percentage of immigrants worked as prostitutes, whether women were sold into prostitution, what role the central Government played in regulating prostitution and whether the new legislation on brothels contributed to the development of prostitution.

33. **Ms. Kwaku** congratulated the Netherlands delegation on its report but expressed great concern over the situation in the Netherlands Antilles and Aruba. Noting that the Secretary of State for Social Affairs and Employment had indicated that there was funding to non-governmental organizations to help disseminate information about the Convention, she wondered whether non-governmental organizations in the Antilles and Aruba also received such funding. The Netherlands delegation should clarify the statement: "Immigrant girls sometimes take relatively inefficient routes through the school system".

34. **Ms. Verstand-Bogaert** (Netherlands), responding to the questions raised by the Committee, said that immigrant girls did not take the direct route to a higher vocational school. They usually attended a lower vocational school, followed by middle vocational and higher vocational schools. While she did not have the exact figures on the percentage of immigrant prostitutes, she was certain that one of the results of lifting the ban on brothels was that the Government would have a clearer picture of the number of sex workers, including the percentage of immigrant sex workers. The Government had transferred authority over prostitution to the municipalities, but it was responsible for labour inspections, payment of taxes and evaluation of the situation. The two-year review period laid down by the law was not too long to provide for a complete assessment of the situation.

Crimes of honour were also of great concern to the Government.

35. The national rapporteur on traffic in persons would first report to the Cabinet, in particular to the Minister of Justice, who would then transmit the report to Parliament, which would be very interested in the results of the research conducted by the rapporteur. As far as the role of political parties was concerned, training was provided to their members through the Ministry of the Interior in order to sensitize them to gender issues and to encourage the participation of women. Turning to the media, she noted that a multi-year plan had been established to raise the awareness of journalists concerning issues of gender equality and stimulate the participation of women in television programmes through the provision of government subsidies. As a result of that programme, for example, there were now expert female television journalists reporting on the International Criminal Tribunal for the former Yugoslavia.

36. Her optimism about achieving the country's goals with respect to gender equality was based on developments in the situation of women noted over the past three years. The Government's policy in stimulating the participation of women in the labour force included investment in childcare facilities and a work and care bill to give both men and women the opportunity to take care of other people, including children. The work and care bill included a non-transferable right to three months of parental leave for fathers upon the birth of their children. It was expected to take a few years to achieve all the objectives. The Government's policy was based on shared responsibility between employers and employees, who were encouraged to reach agreements. As far as the emancipation of lesbians and homosexuals was concerned, the Parliament had adopted, just the previous week, a multi-year plan that allowed same sex partners to marry.

37. **Ms. Tiems** (Netherlands) said that the policy concerning women's health-care issues was being renewed to develop, inter alia, a comprehensive national strategy for gender and health from a multicultural perspective. In 1999, the M/F gender factor in health-care Programme had been established. It was based on the recommendations of the final report of the Steering Committee for women's health care. Subsequently, in March of the current year, the Minister of Health had established an expert committee

on gender and ethnicity to develop a plan of action designed to achieve gender mainstreaming in the country's general health policy. However, a pilot project had concluded that guidance on the implementation of the gender and ethnic perspective in health policy was required. Accordingly, an expert committee would help to develop a specific gender impact assessment for health care from a multicultural perspective which would be of use in training civil servants. As far as drug addiction was concerned, she explained that many women became addicted to psychotropic substances prescribed by their doctors to treat depression. She assured the committee that statistics on the use of psychotropic substances and drugs would be provided in the next report. Tobacco and alcohol addiction were also problems of great concern to her Government.

38. **Ms. Verstand-Bogaert** (Netherlands) thanked the Committee for its comments and said that her Government had done its utmost to implement the recommendations of the Committee. While it had not been possible to reach agreement on all issues, the constructive dialogue had been important.

39. **The Chairperson** expressed appreciation to the Netherlands delegation for its sincere efforts to answer all the questions put to it by the Committee. She hoped that the next report of the Netherlands would include information on all the issues raised by members of the Committee, particularly with regard to ethnic minorities, gender-based violence and prostitution. Moreover, the Committee would have appreciated the presence in the Netherlands delegation of members from the Netherlands Antilles and Aruba. Finally, she hoped that the Netherlands would ratify the Optional Protocol within a year, as promised.

The meeting rose at 5.45 p.m.