



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

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**Committee on the Elimination of Discrimination
against Women**
Thirty-seventh session

Summary record of the 767th meeting (Chamber B)

Held at Headquarters, New York, on Thursday, 24 January 2007, at 10 a.m.

Chairperson: Ms. Šimonović

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The meeting was called to order at 10 a.m.

Agenda item 6: Consideration of reports submitted by States parties under article 18 of the Convention
(continued)

Fourth periodic report of the Netherlands
(CEDAW/C/NLD/4 and Add.1;
CEDAW/C/NLD/Q/4 and Add.1)

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

2. **Mr. de Geus** (Netherlands) said that the Government of the Netherlands had done its utmost to implement the previous recommendations made by the Committee. Much emphasis had subsequently been placed on raising awareness regarding the content of the Convention, which had been translated into Dutch and widely distributed. Furthermore, the Committee's general recommendations had been translated and publicized on the Government website. As a minister of a caretaker Government, he was not in a position to account for future policy. He was, however, pleased to report on the status of the implementation of the Convention.

3. The Netherlands had moved steadily towards the achievement of its ideal: the creation of a society with equal rights, equal opportunities and equal liberties for men and women, a society in which men and women bore equal social, administrative and economic responsibilities.

4. Women had made significant progress in the labour market over the past 50 years. Currently, 65 per cent of women worked and only one woman in ten resigned after having her first child. Gender equality implied more than merely having a job, however. The Government would therefore continue to include women's rights in the policymaking of government bodies and civil society, employing both gender mainstreaming and a project-based approach to tackle specific problems. An auditing committee on emancipation had been established to review all ministries and to encourage gender mainstreaming.

5. According to the most recent statistics, after some stagnation during the economic recession from 2002 to 2005, participation by women in the labour market had recovered. The Government was confident that the reforms and policies introduced and investments made

during the recession were already producing gains during the economic upturn. New legislation on childcare had led to investments that expanded the network of facilities and made childcare more affordable for all income groups.

6. Although work conditions had improved and obstacles to work had been removed, the freedom to choose whether or not to work should also be respected. He did not share the view that the high number of women in part-time jobs was undesirable. Women should be free to work as few hours as they wished, as long as their choice was freely made and did not threaten their economic independence. The Government was genuinely committed to addressing the concerns that had been expressed to the effect that women did not always have freedom of choice, that men did not equally share childcare or other domestic responsibilities, and that employers were not sufficiently considerate in their expectations.

7. It was admittedly a matter of concern that the participation in the labour market of women from ethnic minorities had declined. Apart from the work of the Committee for the Participation of Women from Ethnic Minority Groups (PaVEM), described in the fourth periodic report, a plan of action on emancipation and integration had focused attention on the social participation of vulnerable and disadvantaged women from ethnic minorities. In addition, policy instruments had been developed for local authorities. Local teams of minority women served as a bridge between target groups and policymakers and helped to initiate dialogues on taboo subjects, such as honour crimes.

8. There were approximately 200,000 vulnerable and isolated women in the Netherlands. As a first step in integrating those groups of women, the Ministry of Social Affairs and Employment had spearheaded a volunteer project in six municipalities in order to encourage minority women to become active in community life, develop self-esteem and serve as role models.

9. Far too many women were victims of domestic and sexual violence, honour-related violence, genital mutilation and human trafficking. The Government had assiduously pursued remedial measures, including legislative initiatives and programmes with the police and women's organizations, to protect women and to expand the residence rights of immigrants who were victims of violence.

10. Turning to the longstanding controversy over the subsidies to the Reformed Political Party (SGP), which excluded women as members, he said that, following a court judgment, such subsidies had been stopped. The court had been of the opinion that the State had acted in contravention of article 7 of the Convention. The State had appealed the judgement on the ground that caution should be exercised in intervening in the constitution of political parties, because a variety of fundamental rights and freedoms were at stake. The right to stand for election and the prohibition of discrimination must be balanced against the freedom of assembly of a political party. A court decision was due at the end of 2007. In the interim, the SGP had begun to allow women to become party members but not to hold representative positions in or on behalf of the party.

11. The lifting of the ban on brothels and prostitution, while much criticized, had received the broad support of Parliament, citizens and NGOs. The new policy had created opportunities to improve the position of sex workers, to exercise more control over the industry and to combat human trafficking. Local authorities had the competence to monitor safety, health and working conditions in brothels. In April 2007, the second evaluation of the lifting of the bans would be published, and the National Rapporteur on trafficking in human beings would publish her findings on the effectiveness of the Government's policy against trafficking.

12. **Ms. Croes** (Netherlands) said that, since the preparation of the fourth periodic report on Aruba (CEDAW/C/NLD/4/Add.1), much work had been done to improve the socio-economic position of vulnerable groups, including women, by enhancing existing social support networks through decentralizing services and strengthening civil society organizations. Major emphasis had been placed on reintegrating welfare recipients into the labour market. Legislation on childcare, maternity benefits in the private sector, and more affordable housing and funding facilities had improved the situation of working women.

13. The Bureau of Women's Affairs had organized a number of sensitization projects on gender equality and stereotyping for communities, schools and the media and had provided training courses in empowerment to improve the status of women in communities. In an attempt to prepare the national machinery for the mainstreaming of gender concerns and for rights-based

programming, the Government had merged the Bureau of Women's Affairs with the human rights coordination centre in the Department of Social Affairs.

14. The Optional Protocol to the Convention and the new Civil Code of Aruba had come into effect in 2002. More recently, new legislation, extending and introducing penalties for sexual offences, had been adopted. The new law also contained provisions on marital rape, child pornography, forced prostitution and stalking. In addition, a victim support centre had been established in 2005, and legislation introduced to implement the United Nations Convention against Transnational Organized Crime, extending the terms on which human trafficking was punishable and criminalizing human smuggling.

Articles 1 to 6

15. **Ms. Patten**, noting with regret that there was neither a separate report on the Netherlands Antilles nor information on the implementation of the Convention in the Netherlands Antilles, invited the delegation to explain that omission. She also highlighted the fact that the Netherlands had not provided information on the implementation of articles 2 to 4 of the Convention, despite the reporting guidelines established by the Committee. She recalled that the Committee had requested statistics, disaggregated by sex and ethnicity, on the implementation of the Convention with respect to the minority groups in the Netherlands. Such information was vital in monitoring the situation of women, including immigrants, refugees and minority women, and in evaluating the impact of policies.

16. With reference to the definition of discrimination and the obligation of States parties to protect women against gender-based violence, she suggested that the response to question 8 in the list of issues (CEDAW/C/NLD/Q/4 and Add.1), in which the Government said that policy on domestic violence was treated as general policy, might be interpreted as a denial of gender-related violence. In that context, she suggested that the Government should take general recommendation 19 more closely into consideration. She further enquired about legal aid assistance to victims of domestic and gender-based violence, and asked to what extent undocumented immigrants were able to avail themselves of protective measures, such as shelters.

17. She was also interested in knowing the status of the Convention in the courts, since some ambiguity seemed to prevail with regard to the application of the Convention in domestic law.

18. **Ms. Begum** asked the delegation to provide an update on the multi-year emancipation policy plan. She was interested in knowing whether the Government had conducted an impact analysis of its approach to implementing the Convention in areas such as legal reform, the improvement of the actual position of women and the elimination of cultural stereotypes. In addition, she asked how gender mainstreaming was applied to Government policy on ethnic diversity and to the various cultural settings within domestic society. She further invited the delegation to comment on NGO allegations that the Government was not serious about its obligations under the Convention and had neither incorporated the Committee's general recommendations into domestic policy nor disseminated the Convention and other related documents.

19. She asked the delegation to explain the reason for imposing a ban on headscarves, particularly since such action would make it more difficult for Muslim women to socialize and work in the Netherlands.

20. **Ms. Šimonović**, speaking as a member of the Committee, asked for a clarification of the status of the Convention within the domestic legal order. Under the Optional Protocol, the requirement for individuals to exhaust all domestic remedies before submitting communications implied that the rights governed by the Convention must be applicable at the national level.

21. States parties were encouraged to present their periodic reports to Parliament in order to raise the visibility of the Convention, and she wished to know whether the Government of the Netherlands had adopted that procedure or intended to do so

22. **Ms. Gaspard** welcomed the fact that the Netherlands had ratified the Optional Protocol and commended the Government for its research concerning women in conflict situations. However, she was concerned about the implementation of the Convention in the Netherlands Antilles and Aruba and stressed the importance of follow-up action in promoting gender equality.

23. She drew attention to the increased involvement of several ministries in the management of policy on

equal treatment. She hoped that the Ministry of Social Affairs did not intend to phase out its role in policy management. It could be construed that the Government was placing greater emphasis on the effect of various policies rather than on the prevention of discrimination. The initial results of the policy review committee had not been encouraging, the committee having concluded that many ministries lacked the necessary infrastructure to address and integrate gender mainstreaming into their policies. She asked whether the Government intended to retain permanently the policy review committee which, she believed, could play a valuable role in monitoring follow-up and policy coordination.

24. **Ms. Arocha Dominguez** said it was not clear whether the Government had a systematic and integrated anti-discrimination policy. Girls continued to express a clear preference for the traditional disciplines in education, while in the workplace there were crucial limitations on freedom of choice when it came to jobs and parental leave. There was a clear need for additional measures to eliminate gender stereotyping, and, in that context, she asked whether the Government intended to go beyond the mere statement of intentions and to take firm action that would encourage girls and young women to pursue technical and scientific studies. She also asked whether it had given any thought to introducing a school curriculum project designed to influence attitudes on gender stereotypes and thereby promote greater respect between boys and girls. Regarding the workplace, she wondered what had been done to better integrate women into male-dominated professional sectors, to ensure equal pay for work of equal value, and to encourage women to accept full-time occupations.

25. **Ms. Gumede Shelton** asked whether, in the Netherlands Antilles and Aruba, the Government had adopted a holistic and comprehensive gender-mainstreaming strategy, including initiatives to eliminate gender stereotypes, particularly with respect to ethnic minorities. She wondered whether gender stereotyping in Aruba had been studied, or whether assessments had been made of past action taken in that regard. She also enquired about the involvement of NGOs in the elimination of gender stereotyping within families, and how they tackled such issues as the sharing of domestic duties and gender-based domestic violence.

26. **Mr. de Geus** (Netherlands) said that there was no report on the implementation of the Convention in the Netherlands Antilles, and he had no explanation for that omission.

27. **Ms. Bleeker** (Netherlands) said that under Netherlands law illegal residents were not entitled to social security benefits or protective measures such as shelters. Exceptions were however made in the case of medical emergencies and that of minors, who had a right to education, regardless of their status. Similarly, an illegal alien who had been the victim of honour-related violence was allowed to apply for residence and could, with support documentation from the police, be granted access to a shelter.

28. **Ms. Dopheide** (Netherlands) said that, as a signatory of the Convention, the Netherlands did not challenge the concept that the Convention was legally binding. However, the question of its direct application to individuals was a separate issue. According to the Constitution of the Netherlands, the nature of a provision was the decisive factor in determining whether it was binding on all persons. Depending on their content, international provisions might be directly applied if they were binding on all persons. The Constitution further provided that international norms that were directly applicable to individuals had priority over national law. Certain criteria had been established under case law to determine whether treaty provisions had direct application. National courts had the final say on issues of direct effect and were responsible for decisions on the direct applicability of international law. In such cases, the courts could decide whether a national regulation could be deemed inapplicable if it conflicted with international treaty provisions. The Government was of the opinion that, by virtue of their content, only some of the provisions of the Convention could be considered binding on all persons. The Convention as a whole was, of course, binding on the Netherlands as a State party.

29. **Mr. Licher** (Netherlands), in response to concerns raised over the dissemination of information on the Convention and the presentation of progress reports to Parliament, said that the Convention had been translated into Dutch and had been widely distributed and discussed in many quarters, including in Parliament and among NGOs. The first 24 general recommendations issued by the Committee had also been translated and posted on the Government website. Furthermore, the Department for the Coordination of

Emancipation Policy had commissioned five in-depth studies on the implementation of the Convention.

30. Before submitting its periodic report to the Committee, the Government was required to prepare a national report on the implementation of the Convention, for discussion among parliamentarians. In addition, the Government subsidized NGO shadow reports and had developed a website in English to provide information on the Convention and its recommendations.

31. With regard to disaggregated data, he said that the material presented to the Committee contained the main results of research carried out in the Netherlands, but that, in addition, the Government had an extensive and detailed body of statistics, disaggregated by sex and ethnicity, and that regular compilations of statistics on women in education and labour, and statistics on the situation of women of ethnic minorities appeared in various specialized publications.

32. Gender mainstreaming was viewed as the responsibility of each ministry because of the belief that gender equality should form part of all ministerial portfolios. Government departments had agreed on a multi-year action plan focusing on women's safety, economic independence and social participation, and on women in decision-making and managerial positions. The plan had consolidated the commitment of ministries in their promotion of women's rights, equal opportunity and emancipation. In response to the concerns raised by Ms. Gaspard on the decentralization of gender issues, he said that the Ministry of Social Affairs and Employment was careful not to take over the roles of other line ministries and departments and instead to limit itself to a coordinating function with respect to specific projects, supporting their activities as needed. Rather than relaxing its strategy on gender mainstreaming, the Ministry was actually renewing that strategy, with the added dimension of external evaluation.

33. **Ms. Dopheide** (Netherlands) said that there was no general ban on headscarves per se. A legislative proposal would, if passed, regulate the wearing of garments covering the face, in public and semi-public places. Partial bans on garments covering the face were already in effect in the case of specific functions and places, for reasons of public safety.

34. **Ms. Lousberg** (Netherlands) said that equal treatment was a fundamental right guaranteed by the

Constitution and regulated by Netherlands legislation. The prohibition of discrimination included direct and indirect discrimination, and the definition of discrimination, in line with article 1 of the Convention, could be invoked in domestic courts.

35. **Mr. Licher** (Netherlands) said that the Government regarded its strategy on gender mainstreaming as comprehensive because it covered different aspects of society. Firm measures had been devised to improve the position of women in the labour market by achieving a balance between men and women in the public and private spheres; they focused on paternal leave, childcare and domestic tasks. The strategy also paid attention to the education of children, since patterns of behaviour learned in the early stages of a child's development could lead to gender stereotyping later in life.

36. **Ms. Verhagen** (Netherlands) said that although women continued to make gains, differences between men and women remained in education and in the choices available to them in the labour market. Women were underrepresented in certain fields of employment. As described in the response to question 15 on the list of issues, various projects had been devised to break down gender segregation in education and to develop gender-neutral choices, in order to influence the female perception of technical and scientific subjects.

37. After acknowledging that the Netherlands lagged behind other European countries in the proportion of women in academia, she described a number of incentives and programmes with research institutes and universities to improve the representation of women in high-ranking scientific and administrative positions.

38. **Mr. Licher** (Netherlands) explained that in recent years, with the participation of the mass media and social partners, the Government had launched an extensive campaign throughout all sectors of Netherlands society to sensitize men and erase prejudices regarding childcare and domestic work. Efforts were also under way to address the situation in male-dominated sectors of the labour market, in order to pave the way for greater female involvement and diversity.

39. **Ms. Tavares da Silva**, referring to the applicability of the Convention in the case of the Reformed Political Party (SGP), asked why the Government had decided to appeal the decision of the court. She asked whether the Government would have

done the same if the policy to exclude women had been adopted by a corporate entity.

40. **Ms. Zou** Xiaoqiao, referring to the question of coordination among government ministries, asked whether the Ministry of Social Affairs and Employment had sole responsibility for implementing the Convention and recommendations of the Committee, and whether any government department had specific responsibility for gender equality. She wished to know whether that Ministry had any female deputy ministers.

41. After reminding the delegation of the Committee's previous concluding comments on the subject of increased economic support to Aruba and the implementation of policy on gender equality, she stressed the need for greater capacity-building and asked whether the Government had provided support to Aruba for gender mainstreaming.

42. **Ms. Chutikul** enquired which body monitored the setting and implementation of the target objectives of the Ministry of Social Affairs and Employment, suggesting that it might be useful for an interministerial body to carry out that task. She was also curious about the role of women in the elimination of gender stereotypes.

43. **Ms. Šimonović**, speaking as a member of the Committee, said she took it that the Government considered the Convention to be binding in nature. According to the Constitution, some provisions might be directly applicable if they were binding on all persons, but that such application depended on the nature of those specific provisions. She therefore asked the delegation to clarify which provisions of the substantive articles of the Convention were directly applicable. She suggested that the provisions that were not directly applicable should be incorporated into the domestic legislation.

44. **Mr. de Geus** (Netherlands), with reference to the Reformed Political Party (SPG), said that neither the Government nor any of the other political parties supported the exclusion of women, as practised by the SPG, which had for years held only 3 out of 150 seats in Parliament. Although that policy was discriminatory, the Government had taken a different view to that of the court on the ground that the party in question should be free to establish its own rules. The judgement of the Court of Appeal on the subject was still awaited; it would help to define the relationship

between fundamental rights and the right of women to equal treatment and representation.

45. With reference to the positions held by women in the Ministry of Social Affairs and Employment, he explained that it was by chance that the delegation was led by a man. It could equally well have been led by a woman. He hastened to point out that he, in turn, reported to the Queen. Positions in the Ministry were filled on the basis of qualifications, irrespective of gender. Quantitative data on the targets set for women in decision-making positions were set out in the documentation submitted to the Committee.

46. There had been much debate in the Netherlands on the roles of men and women, and recent research had shown that, increasingly, new roles for women were emerging. However, ostensibly for cultural reasons, men were not assuming new responsibilities. It was therefore important to introduce programmes aimed at encouraging men to accept parenting and other domestic responsibilities, while ensuring that parental leave was divided equally between women and men. It was not possible to transfer the right to parental leave from a man to a woman.

47. **Ms. Dopheide** (Netherlands) said that the Government believed that the articles of the Convention implied duties for the State and were aimed at the executive and legislative branches of States parties. National policy and legislation was needed for the full implementation of the Convention. Because the provisions of the Convention were not aimed at persons or individuals, they had no direct effect. It was therefore up to national courts to decide on the application of those provisions.

48. **Mr. Licher** (Netherlands) added that it was the obligation of States parties to implement the Convention through national legislation and to follow up on that obligation in full.

49. **Ms. Croes** (Netherlands) said that a new form of development cooperation with the Netherlands had been introduced, under which Aruba would cease to receive development assistance from the Netherlands in 2010. According to the latest arrangement under the development assistance fund, the annual financial component paid by the Netherlands would be phased out. The Ministry of Social Affairs and Employment had adopted a mechanism to implement gender mainstreaming, under the guidance of an expert. The 2004 vacancy announced for that position had however

remained unfilled, owing to a lack of qualified candidates.

50. **Ms. Chutikul** commended the Netherlands on being the first country to appoint a National Rapporteur on trafficking in human beings and asked for additional information on her functions. She was interested in the content of the National Rapporteur's fifth report originally due in 2006, and in the fate of the action plan intended to tackle the issue of trafficking in human beings.

51. With regard to the abolition of the ban on brothels, she asked whether the preliminary results of the impact assessment were known and, if so, whether they sufficed, or whether the Government planned to commission an independent body to study the effects of the legalization of brothels. She also enquired about the fate of the plan of action regulating and protecting the prostitution sector and presenting an overview of the obstacles encountered under the new legislation on prostitution. Noting that only 20 per cent of the women involved in prostitution were Netherlands, she asked how the Government hoped to reduce the number of illegal migrants engaged in prostitution, and how illegal migrants who reported on trafficking to the authorities could enjoy the protection and assistance recommended in human rights norms. She wondered whether the Government would consider adjusting the B-9 regulations accordingly. Given the fact that prostitution had been legalized, why were migrant women not allowed to apply for work in the sex industry?

52. **Ms. Maiolo** agreed that there were benefits to be gained from the legalization of prostitution in terms of health and crime control. She was interested in hearing the conclusions drawn from the survey undertaken after the sector was legalized and wondered whether there might be a parallel market in prostitution in which undocumented women were exploited.

53. **Ms. Begum** asked the delegation to explain what measures had been taken to combat violence in the home and the workplace, and whether the policy document outlining the joint approach to domestic violence had been effective.

54. Turning to the programme launched by the Netherlands police in 2004 to register incidents of domestic violence, she asked whether registration had proved successful, how many cases had been documented, what remedy was provided to victims,

and whether women from minority groups fell within the scope of that registration procedure. She wished to know whether migrant women who were victims of domestic violence were qualified to seek independent residence status or financial and legal assistance from the Government. She also asked how many shelters the Government and NGOs operated, what were the eligibility criteria for victims to be admitted to a shelter, and how much the Government had spent on measures to prevent domestic violence and support victims.

55. She was concerned about the plight of adolescent girls who were sexually abused or stalked by relatives, and about the possible adverse consequences of the legalization of prostitution for young people, especially the potential for increased trafficking and exploitation of underage girls from neighbouring countries. In that context, she asked what measures had been established for the protection of unaccompanied minors seeking asylum in the Netherlands. As far as the welfare of prostitutes was concerned, she asked what support measures were available to women who wished to stop working as prostitutes, and whether alternative livelihoods were readily available.

56. **Ms. Šimonović**, speaking as a member of the Committee, asked whether the plan of action to combat domestic violence, mentioned on page 14 of the periodic report, had materialized. She wondered whether the Government had compiled statistics on the number of women murdered each year by their partners. With regard to the ten-day restraining order placed on abusive spouses, she asked what happened after that period expired.

57. **Mr. Bogers** (Netherlands) said that the National Rapporteur on trafficking in human beings was appointed after consultation with all relevant departments of the Government. The National Rapporteur informed and advised the Government on the nature and scope of the problem and identified possible measures for its elimination. In the light of the findings of the Rapporteur, a National Action Plan on trafficking in human beings had been presented to the Cabinet in 2004, and the fifth report of the National Rapporteur was expected in April 2007.

58. After reviewing the main objectives to be achieved by lifting the ban on brothels and prostitution, he stressed that the main responsibility for implementing the policy on prostitution lay with the

local authorities, which worked in close cooperation with health organizations and NGOs to establish local policy and a system of control. The local licensing system instituted under the policy had increased transparency in the sector, and there had been no signs that human trafficking had increased. The next evaluation was due to take place in April 2007 and would underscore the Government's vigorous stance against unacceptable forms of prostitution. Local prostitution policy would be monitored, as would the social position of prostitutes, and efforts to prevent the exploitation of minors and other vulnerable groups.

59. With reference to data collection, he said that the Government had issued various publications with statistics on domestic violence, including the Emancipation Monitor (*Emancipatiemonitor*). The police had assembled a database on the incidence of domestic violence which covered all social strata and age groups in the Netherlands.

60. Legislation and policy on domestic violence in the Netherlands was intended to encompass all groups, irrespective of gender or ethnicity, in order to ensure that every victim received adequate protection and support. The Government had, however, launched support initiatives targeting specific vulnerable groups. Referring to the response to question 8, contained in document CEDAW/C/NLD/Q/4/Add.1, he described the publicity campaigns already conducted at the municipal level and the plans for their expansion at the national level in March 2007. He also commented on the planned legislation on restraining orders for perpetrators of domestic violence and the official guidelines for the public prosecution service. When the new law entered into force, the police, prosecutors, NGOs and other support bodies would need to decide on further action to be pursued after the expiration of the ten-day period. The issue was admittedly complex, given the fact that it involved personal relationships, and appropriate solutions must be tailored to specific situations. The same response discussed plans for local advice and support centres, women's shelters, offender treatment programmes and a national programme to support all parties dealing with domestic violence.

61. The legal aid system in the Netherlands was subsidized by the State; it was not limited to victims of domestic violence. Legal aid was free of charge, or partly free, depending on the client's ability to pay, and eligibility for legal aid was based on factors such as the urgency of the case and the seriousness of the injury

suffered. Legal assistance bureaux located throughout the country provided extensive services, including the preparation of cases and procedures, and access to a criminal compensation fund, financed by the Ministry of Justice.

62. **Ms. Bleeker** (Netherlands) explained that illegal migrants could report trafficking to the police, either on their own initiative or on that of the police in the course of investigations. Trafficking was an area of priority for the Netherlands police, who were trained to handle victims and to identify situations that might signal trafficking. As standard procedure, undocumented migrants were given an opportunity to file a report against their traffickers, but victims were also entitled to residence permits under the B-9 if they made such reports on their own initiative. The B-9 arrangement was in line with European Union guidelines for residence permits for victims who cooperated with the authorities; it was not simply a humanitarian regulation. In the fight against trafficking, it was crucial to have reports by victims themselves, who could serve as valuable witnesses during court proceedings. Accordingly, residence permits were granted only with the cooperation of victims. Persons who were unwilling or unable to cooperate were returned to their countries of origin; they were, however, able to obtain assistance from NGOs. She was not in a position to predict whether the B-9 regulation would be amended by the next Administration.

63. Explaining the application procedure for residence, she said that after three years as a dependent resident any applicant could apply for independent residence. During the three-year period, victims of domestic violence could apply for independent status by presenting a medical certificate and police report as objective proof of abuse suffered. That process was also of assistance to the police in investigating instances of domestic violence.

64. She agreed that under-age asylum-seekers were particularly vulnerable to exploitation and described a series of security measures adopted for their protection in reception centres.

65. **Ms. Lousberg** (Netherlands), speaking about exit programmes for women wishing to leave prostitution, said that Government-subsidized programmes focused on building labour-market skills and removing obstacles to assimilation into the broader society. To

date, assessments of those programmes had shown that a large proportion of the women who chose to leave prostitution were able to do so, and that the barriers encountered were fewer than expected.

66. **Ms. Gaspard** asked whether the law on prostitution applied to the Netherlands Antilles and Aruba. Since a survey on prostitution in Aruba had been cancelled owing to scarce resources, she asked when resources would be available for that survey. Noting that the report on Aruba did not contain data on trafficking in human beings, she wondered whether any data had been collected on trafficking and prostitution in the Netherlands Antilles.

67. She invited the delegation to comment on information reaching the Committee that the role of NGOs in protecting women against violence and helping women to leave prostitution had been compromised because of changes in the rules regarding the financing of NGOs.

68. **Ms. Tavares da Silva** questioned the value of the linkage between reporting on abuse to the granting of residence permits, since only a small proportion of victims were willing and able to press charges. She wondered whether the Government would consider dropping the requirement for women to file reports and act as witnesses against their abusers if it was determined that such a requirement deterred women from revealing exploitative and abusive practices. She asked whether the Government knew how many residence permits had been granted because women had complied with that requirement.

69. The specific nature of prostitution as a business perpetuated gender inequality, since a woman who became the mere product of a transaction was in a vulnerable position. It would be good to know whether any studies had shown that women engaged in prostitution of their own free will. The fact of being a foreign woman — and 80 per cent of prostitutes in the Netherlands were foreign women — surely increased the risk of exploitation through prostitution and trafficking.

70. **Ms. Belmihoub-Zerdani** said that, in her view, it would be wiser to remove an abusive and violent husband from the home and to place him in a shelter instead of disrupting family life even further by placing the victim(s) in a shelter. She was curious to know what protection was provided to women who risked

their lives by giving evidence to the authorities in exchange for residence permits.

71. **Ms. Gumede Shelton** asked whether there had been a study to determine to what extent the legalization of prostitution had increased the vulnerability of women of ethnic minorities.

72. **Ms. Šimonović**, speaking as a member of the Committee, requested data disaggregated by sex, by type of violence and by the relationship of the perpetrator to the victim.

73. **Ms. Croes** (Netherlands) said that prostitution was not a criminal offence in Aruba, but public solicitation was prohibited. Since 2003 a new law had toughened the sentence for offences relating to prostitution involving minors and for forced prostitution.

74. No data were available on human trafficking in Aruba. Border control officials attempted to heighten their vigilance by interviewing illegal migrants. A legal basis for the protection of victims had not yet been formalized. However, a bureau had been established to assist victims, should cases of human trafficking emerge in future. An intergovernmental committee to advise on an integrated migration policy and legislation and a subcommittee on trafficking in human beings and smuggling had also been set up.

75. **Mr. de Geus** (Netherlands) said that prostitution was not considered a normal profession in the Netherlands any more than it was in other countries. He stressed that the aim of legalizing the sector was to establish better controls and to ensure that health and safety standards were observed.

76. Since Netherlanders had the advantage of fluency in the Dutch language, they usually had fewer obstacles to overcome in leaving prostitution than had foreign women. It was also easier for them to be absorbed into the labour market because they could draw on previous qualifications. However, there were organizations that were equipped to assist migrant or minority women to prepare for other jobs. In that context, he explained that the financing of NGOs was currently based on the evaluation of specific programmes, which were assessed on their individual merits, whereas under the previous system the Government had provided funding to the NGOs themselves, which had then been free to allocate such resources as they saw fit.

77. With regard to the imposition of the ten-day restraining order, he said that other measures could be executed in conjunction with the restraining order, depending on the case in question.

78. **Ms. Dopheide** (Netherlands) said that the restraining order was a preventive measure, but that other measures under criminal law were also available.

79. **Mr. Bogers** (Netherlands) said that forced prostitution was regarded as a form of trafficking and exploitation and was therefore illegal. Domestic legislation had been harmonized with the provisions of the United Nations Convention against Transnational Organized Crime, and in 2005 the Netherlands had broadened the definition of exploitation to include other forms of abuse besides sexual exploitation. Measures to prevent exploitation and to control the prostitution sector also addressed the demand side of the equation to heighten awareness among the men who paid for sexual favours and to encourage reporting of signs of exploitation.

80. The most recent crime-specific statistics on domestic violence were provided in the 2006 *Emancipation Monitor*. Attempts were being made to gather more information on the prevalence of honour crimes. In 2004 a pilot project had been launched to prevent such crimes, using a police squad whose members came from various ethnic groups. An extensive body of data had been collected during the period between October 2004 and March 2006. It had been determined that the majority of victims were under the age of 25 years.

81. **Ms. Bleeker** (Netherlands) explained that migrant women could apply for residence status without requesting the prosecution of their husbands, on the basis of proceedings led by the public prosecutor's office, and on humanitarian grounds, if there were Netherlands-born children or if it was impossible for the women to be repatriated. In 2006, 256 residence permits had been granted to women who had been victims of domestic violence.

The meeting rose at 1.10 p.m.