



***Concluding Observations of the Committee on the Elimination of
Discrimination Against Women : Netherlands. 31/07/2001.
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Committee on the Elimination of
Discrimination against Women
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Consideration of reports of States parties

Netherlands

Second and third periodic reports

185. The Committee considered the second and third periodic reports of the Netherlands (CEDAW/C/NET/2 and Add.1-2 and CEDAW/C/NET/3 and Add.1-2) at its 512th and 513th meetings, on 6 July 2001 (see CEDAW/C/SR.512 and 513).

(a) Introduction by the State party

186. In introducing the second and third periodic reports, the representative of the Netherlands indicated that the Netherlands had fully endorsed the Convention and that, during recent decades, a genuine revolution had taken place in the labour market whereby, while in 1988 only one third of women had paid employment, in 2001 the level of participation had risen to 52 per cent. There was, however, still evidence of a "male breadwinner's model of society", as demonstrated by the low numbers of women in senior positions and in technical professions, and the large number of women in part-time jobs which did not provide economic independence. The representative indicated that the Government would remain firm on accelerating the emancipation process.

187. The representative emphasized that paid employment was a prerequisite for economic independence and that women's economic independence contributed to a more equal balance of power, which had proved to be the most effective instrument for preventing and combating violence against women. The participation of women in the labour force was the focus of the Government's recent Multi-year Plan on Emancipation Policy, which involved all governmental ministries. Set targets included that 65 per cent of women would be in paid employment by 2010 and that 60 per cent of women who were currently in part-time jobs would be fully economically independent.

188. The representative indicated that labour participation by women could be increased only through a reallocation of care tasks between women and men. A number of measures had been taken in that regard, including doubling the capacity of childcare facilities; the introduction of the Work and Care Bill, which provided for four weeks' leave for foster parents or parents of adopted children; flexible use of the provisions for three-months' parental leave; 10 days' leave per year to care for a sick child, partner or parent; and a law giving employees a right to work more or fewer hours per week. In addition, the project entitled "Daily routine", which aimed at a better alignment of education, childcare and leisure facilities, had been established. The Government would be delineating a "Daily routine" policy in the near future.

189. The strategy of gender mainstreaming had been accepted by the Government and all departments had a responsibility for gender mainstreaming, with each having formulated measurable emancipation tasks. Examples in this regard included a new tax system, which promoted the economic independence of women; the preparation of a tax measure aimed at facilitating women's re-entry into the labour market; and efforts to increase the number of black, ethnic minority and refugee women on local councils.

190. Domestic violence was still a serious problem in the Netherlands, and the Minister of Justice had submitted to the Parliament a plan of action to combat domestic violence, which included more severe punishments for the perpetrators of such violence. In accordance with European Union policy, the Netherlands had appointed a national rapporteur on trafficking of persons and was the first country of the European Union to do so.

191. The representative of the Netherlands highlighted aspects of the Multi-year Plan on Emancipation Policy, including a life-cycle project which examined diversity in lifestyles.

192. On behalf of the Government of the Netherlands Antilles, another representative explained the restructuring programme and aggressive economic policy in place, indicating that, while obstacles existed, developments in gender equality had taken place. Among these were the entry into force of the first part of a new civil code, which abolished a number of discriminatory laws and granted women equal rights in issues pertaining to marriage and the family. Irretrievable breakdown had been delineated as the only ground for divorce and either spouse could request termination of the marriage on that ground. Differences in status between children born in and out of wedlock had been eliminated; a law had been enacted which provided protection to domestic workers, most of whom were women; and termination of labour contracts on the basis of marriage and pregnancy had been prohibited. In addressing increased sexual violence against women, the penal code had been amended to increase the maximum punishment available for sexual offences and special training had been given to police officers in dealing with victims of domestic violence. Campaigns condemning violence against women had also been carried out in collaboration with local non-governmental organizations. The representative indicated that regional collaboration on gender issues between Aruba, Suriname and the Netherlands Antilles was being expanded.

193. On behalf of the Government of Aruba, the representative indicated that the National Bureau of Women's Affairs, established in 1996, had had an important role to play in raising awareness of women's rights, existing discriminatory laws and traditional attitudes and practices. Owing to limited resources, most of the Bureau's projects had been carried out within the context of the regional collaboration between Aruba, Suriname and the Netherlands Antilles. The three had agreed to develop projects on job training for women, gender-

awareness training for media personnel, on sexuality and reproductive health of teenage mothers and on violence against women. A regional meeting would be held on women's participation in positions of leadership and decision-making. The Aruban parliament had approved a new civil code which eliminated existing discriminatory laws, and a medical insurance scheme aimed at providing health care for all persons had been introduced. Efforts were under way to counteract violence against women, including through the establishment of a shelter for battered women and the introduction of draft amendments to the criminal code, which included marital rape. Also of importance was the establishment of a Joint United Nations Programme on HIV/AIDS theme group for the prevention and control of HIV/AIDS in Aruba. In closing, the representative mentioned several remaining areas of concern, including sex-segregation in the labour force, with the employment of women concentrated in the lower-skilled and lower-paid occupations, and low levels of women's participation in politics and decision-making.

(b) Concluding comments of the Committee

Introduction

194. The Committee commends the Government of the Netherlands on its second and third periodic reports, which are in accordance with the Committee's guidelines for the preparation of periodic reports. It also commends the Government for the comprehensive written replies to the questions posed by the Committee's pre-sessional working group, and the oral presentation of the delegation which sought to clarify the current situation of women in the Netherlands, as well as in the Netherlands Antilles and Aruba, and provided additional information on the implementation of the Convention. The Committee also welcomes the written responses to a number of additional questions posed during constructive dialogue, which were provided in the final week of the session.

195. The Committee congratulates the Government for its high-level delegation, headed by the Secretary of State for Social Affairs and Employment. The Committee expresses appreciation for the constructive and frank dialogue that took place between the delegation and the members of the Committee but expresses regret that no representatives of the Governments of Aruba and the Netherlands Antilles were able to be part of the delegation which presented the reports, since it considers that this would have enhanced that dialogue.

Positive aspects

196. The Committee commends the Government on its conceptual approach to the implementation of each article of the Convention which incorporates, wherever possible, three policy levels: achievement of complete equality for women before the law; improvement of the position of women; and efforts to confront the dominant gender-based ideology.

197. The Committee also commends the Government on its extensive programme of legislative and administrative reforms which contributes to the implementation of the Convention.

198. The Committee further commends the Government on its programme to combat trafficking, in particular the appointment of the National Rapporteur on Traffic of Persons, whose aim is to provide the Government with recommendations on how best to tackle the problem of trafficking, and for its commitment to combat this phenomenon at the level of the European Union.

199. The Committee commends the Government for its willingness to place objections to reservations entered by other States parties that it considers incompatible with the object and purpose of the Convention.

200. The Committee also commends the Government for having accepted the amendment to article 20, paragraph 1, of the Convention.

201. The Committee welcomes the establishment in Aruba in 1996, in accordance with the Committee's recommendations, of the National Bureau of Women's Affairs.

Factors and difficulties affecting the implementation of the Convention

202. The Committee notes that there are no significant factors or difficulties which prevent the effective implementation of the Convention in the Netherlands.

Principal areas of concern and recommendations

203. The Committee expresses concern that the policy in the Netherlands of balanced division of paid work and unpaid care has not produced the expected results, since the burden of unpaid care still falls mainly upon women. The Committee is also concerned that women who work outside the home devote twice as much time as men to unpaid work, and that there are still insufficient child-care places.

204. The Committee recommends that the policy of balanced division of paid work and unpaid care be reviewed. It also recommends that greater efforts be devoted to the development of additional programmes and policies to encourage men to share family and caring responsibilities. The Committee also recommends that the Government ensure the availability of sufficient childcare places, and an uninterrupted long school day.

205. Despite the efforts made to combat discrimination in the Netherlands, the Committee expresses concern at the continuing discrimination against immigrant refugee and minority women who suffer from multiple discrimination, based both on their sex and on their ethnic background, in society at large and within their communities, particularly with respect to education, employment and violence against women. The Committee also expresses concern about manifestations of racism and xenophobia in the Netherlands.

206. The Committee urges the Government to take effective measures to eliminate discrimination against immigrant, refugee and minority women, both in society at large and within their communities. It urges the Government to respect and promote the human rights of women over discriminatory cultural practices, and take effective and proactive measures,

including awareness-raising programmes and programmes to sensitize the community to combat patriarchal attitudes and practices and stereotyping of roles and to eliminate discrimination and violence against women in immigrant and minority communities. The Committee also urges the Government to eliminate xenophobia and racism in the Netherlands by strengthening its efforts to combat the activities of racist and xenophobic groups based in the country.

207. The Committee is concerned about the lack of information in the reports on the de facto situation of women of ethnic and minority communities in respect to their access to education, employment and health services. It is also concerned at the limited information on their freedom from violence, including female genital mutilation, domestic violence and honour crimes, as well as other discriminatory practices, such as polygamy, early marriage and forced pregnancy.

208. The Committee urges the Government to provide in its next report detailed information, including statistics disaggregated by sex and ethnicity, on the implementation of the Convention with respect to different ethnic and minority groups resident in the territory of the State party.

209. Noting the recent legislation on the abolition of the ban on brothels, which came into effect in October 2000, the Committee emphasizes that prostitution poses for women risks of exploitation and violence.

210. The Committee urges the Government to begin monitoring this law immediately and provide, in its next report, an assessment of the intended as well as unintended effects of the law, including those pertaining to risk of violence and to health, in particular in regard to those women without residence permits who are engaged in prostitution. The Committee also urges the Government to increase its efforts to provide training and education to prostitutes in order to ensure that they have a full range of options for earning their livelihood.

211. The Committee expresses concern about non-European women who have been trafficked, who fear expulsion to their countries of origin and who might lack the effective protection of their Government on their return.

212. The Committee urges the Government of the Netherlands to ensure that trafficked women are provided with full protection in their countries of origin or to grant them asylum or refugee status.

213. Although acknowledging the efforts undertaken by the Government to solve the problem of discrimination faced by women at the workplace through all of the legislative measures aimed at improving women's economic status, including, inter alia, the Work and Care Bill, the Flexibility and Security Act, the Working Conditions Act and the Working Hours (Adjustment) Act, the Committee expresses concern over continuing discrimination in employment and business enterprises. The Committee also expresses concern with the "horizontal" and "vertical" gender segregation of the labour market, and the concentration of women in part-time employment. The Committee further expresses concern that, in the private sector, women earn on average 23 per cent less than men, although when adjusted in the light of the work they do and their personal characteristics, this differential is reduced to 7 per cent.

214. The Committee urges the Government to increase its efforts to eliminate stereotypes relating to traditional areas of employment and education for women. The Committee recommends efforts to improve the conditions for working women so as to enable them to choose full-time, rather than part-time, employment in which they are currently over-represented. It also urges the Government to eliminate the discrimination that part-time workers face in relation to overtime.

215. The Committee expresses concern that elderly women may be marginalized within, as well as insufficiently covered by, the health insurance and pension systems and urges the Government to pay special attention to the needs of elderly women in "Daily routine" programmes.

216. The Committee expresses concern about the low presence of women in high-ranking posts in all areas, in particular in academia where, according to 1996 figures, women hold only 5 per cent of professorships.

217. The Committee also expresses concern about the low participation of women in political and public life. In the present Government, women hold 26.75 per cent of posts in ministries whereas, according to 1998 figures, only 7.5 per cent of posts at the level of ambassador, permanent representative and consul-general are filled by women.

218. The Committee urges the Government to make efforts to facilitate an increase in the numbers of women in high-ranking posts, including in decision-making in politics, the economy and academia. It recommends the adoption of proactive measures to encourage more women to apply for these posts and, where necessary, the implementation of temporary special measures, as provided for in article 4, paragraph 1, of the Convention.

219. The Committee notes with concern that, in the Netherlands, there is a political party represented in the Parliament that excludes women from membership, which is a violation of article 7 of the Convention.

220. The Committee recommends that the State party take urgent measures to address this situation, including through the adoption of legislation that brings the membership of political parties into conformity with its obligations under article 7.

221. The Committee expresses concern that there is insufficient information on the issue of HIV/AIDS included in the reports and requests the Government to provide such information in its next periodic report, in accordance with general recommendation 15 of the Committee.⁶

222. The Committee also expresses concern at the absence of information in the reports on tobacco and alcohol addiction among women. It further expresses concern at the absence of information on drug addiction among women, in particular in the light of decriminalization of the use of certain drugs. The Committee requests that information on these areas be provided in the next report and, taking account of paragraph 10 of its general recommendation 24 on women and health,² on any measures adopted to address these issues.

223. The Committee further expresses concern that the new Law on Names provides that, where the parents cannot reach an agreement as to the name of a child, the father has the ultimate decision. The Committee believes that this contravenes the basic principle of the Convention regarding equality, in particular article 16 (g) thereof.

224. The Committee recommends that the Government review the Law on Names and amend it to comply with the Convention.

225. The Committee found it difficult to evaluate the implementation of the Convention in Aruba and the Netherlands Antilles because no representatives of the Governments of those territories were part of the delegation which presented their reports.

226. The Committee urges that Government of the Netherlands to ensure that the Governments of Aruba and the Netherlands Antilles are sufficiently supported so that they can be part of the delegation of the Netherlands when it presents its next periodic report to the Committee.

227. The Committee expresses its concern about the status of women in Aruba and the Netherlands Antilles where, despite the strides that have been made towards strengthening the legal position of women, gender equality is far from being achieved and gender-based stereotypes persist. The Committee expresses particular concern about the negative effects that the structural adjustment programmes might have on women in the Netherlands Antilles and on the limited resources available to the National Bureau of Women's Affairs in Aruba, which might prevent the effective implementation of projects aimed at empowering women.

228. The Committee urges the Government of the Netherlands to strengthen its economic support to Aruba and the Netherlands Antilles, in particular support for programmes on capacity-building to better achieve gender equality, including support for the implementation of the Convention.

229. Noting the positive contributions of the Netherlands to the process of elaboration of the Optional Protocol, the Committee urges the Government to ratify that instrument as soon as possible.

230. The Committee requests the Government to respond to the concerns expressed in the present concluding comments in its next periodic report submitted under article 18 of the Convention.

231. The Committee requests the wide dissemination in the Netherlands, including in Aruba and the Netherlands Antilles, of the present concluding comments in order to make the people of the Netherlands, in particular governmental administrators and politicians, aware of the steps that have been taken to ensure de jure and de facto equality for women and of the further steps that are required in this regard. It requests the Government to continue to disseminate widely, in particular to women's and human rights organizations, the Convention and its Optional Protocol, the Committee's general recommendations, the Beijing Declaration and Platform for Action and the results of the twenty-third special session of the General Assembly, entitled "Women 2000: gender equality, development and peace in the twenty-first century".

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